

Ordinance No. 2015.02
Village of Salado
County of Bell
State of Texas
February 5, 2015

BUILDING PERMITS AND BUILDING CODES

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, AMENDING AN ORDINANCE REQUIRING AMONG OTHER THINGS, BUILDING PERMITS FOR RESIDENTIAL, NON-RESIDENTIAL AND CERTAIN CONSTRUCTION ACTIVITIES (2012.03) WHICH IN TURN AMENDED ORDINANCES 2001.07, 2001.22, 2004.07, 2008.10, and 2010.12; ADOPTING THE 2009 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS WITH LOCAL AMENDMENTS, THE 2009 INTERNATIONAL BUILDING CODE, THE 2009 INTERNATIONAL EXISTING BUILDING CODE WITH LOCAL AMENDMENTS, THE 2011 NATIONAL ELECTRICAL CODE, THE 2009 INTERNATIONAL PLUMBING CODE, THE 2009 INTERNATIONAL MECHANICAL CODE WITH LOCAL AMENDMENTS, THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE WITH LOCAL AMENDMENTS, THE 2009 INTERNATIONAL FIRE CODE WITH LOCAL AMENDMENTS, AND THE 2009 INTERNATIONAL FUEL GAS CODE, REPEALING THE INTERNATIONAL ELECTRICAL CODE; REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES IN THE VILLAGE; PROVIDING FOR REVISIONS TO CODE; ISSUANCE OF PERMITS AND COLLECTION OF FEES; ENFORCEMENT, INCLUDING FINES AND PENALTIES NOT TO EXCEED \$500; A REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

WHEREAS, the Board of Aldermen of the Village of Salado seeks to provide for the safe and orderly development of property within its corporate limits and extraterritorial jurisdiction; and

WHEREAS, the Board of Aldermen seeks to deter shabby craftsmanship, minimize water loss and damage, prevent fires, reduce storm damage to neighboring properties, preserve property values, and conserve vital fuel and natural resources; and

WHEREAS, the Board of Aldermen finds that poorly constructed buildings constitute a nuisance and a threat to the public health, safety and general welfare; and

WHEREAS, the Board of Aldermen finds it to be in the best interest of the public to provide for the uniform regulation of the construction, design, repair, and maintenance of residential and non-residential buildings within the Village; and

WHEREAS, the Board of Aldermen is authorized to regulate construction and prohibit nuisances pursuant to the Village's general police powers and Texas Local Government Code Chapters 51, s54, and 217; and

WHEREAS, pursuant to Texas Local Government Code Chapter 214 the Board of Aldermen is expressly authorized to establish procedures to adopt certain building codes, establish local amendments to such codes, and provide for the administration and enforcement of the codes; and

WHEREAS, the Board of Aldermen previously enacted Ordinances No. 2001.07, 2001.22, 2004.07, 2008.10, 2010.12, and 2012.03; and

WHEREAS, the Board of Aldermen of the Village of Salado deems it in the best interest of the Village of Salado to amend said Ordinance No. 2012.03 in its entirety and for said Ordinance No. 2012.03, to be replaced in its entirety as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

SECTION 1. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. Ordinance No. 2012.03 is amended in its entirety and shall read as provided in Attachment "A" attached hereto and incorporated herein as if fully set forth for all purposes.

SECTION 3. That this Ordinance shall become effective after its passage.

SECTION 4. This Ordinance, upon its enactment and effective date, shall repeal all conflicting provisions that may be contained in other Village ordinances or regulations. Except to the extent they apply to obligations and violations arising prior to the enactment of this Ordinance. This Ordinance expressly repeals Ordinances No. 2004.07, 2001.07, 2001.22, 2008.10, 2010.12, and 2012.03 which shall remain in effect only in regards to permits that were issued and actions that were taken when 2004.07, 2001.07, 2001.22, 2008.10 and 2010.12, and 2012.03 were applicable.

SECTION 5. All rights and remedies of the Village are expressly saved as to any and all violations of the provisions of any previous ordinances which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both

civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. In the event that any one or more of the provisions, clauses, or words of this ordinance or the application thereof to any situation or circumstance shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provisions, clauses, or words of this ordinance or the application thereof to any other situations or circumstance and it is intended that this ordinance shall be severable and that it shall be construed and applied as if such invalid or unconstitutional clause, section, provision, or word had not been included herein.

SECTION 7. That the meeting at which this Ordinance was enacted, was open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of the meeting was given as required by the Texas Open Meetings Act.

AMENDED, PASSED AND APPROVED this, the _____ day _____, 2015 by a ____ (ayes) to ____ (nays) and ____ (abstentions) vote of the Board of Aldermen of Salado, Texas.

VILLAGE OF SALADO

Skip Blancett, Mayor

ATTEST

Douglas Hansen, Village Secretary

1. ENACTMENT CLAUSES

A. Popular Name

This Ordinance may be referred to as the "Building Code Ordinance."

B. Purpose

This Ordinance is adopted so that the Board of Aldermen may promote the public health, safety, general welfare within the Village through the regulation of certain construction activities.

C. Compliance Required

- (1) It shall be unlawful for any person to alter, build, construct, demolish, erect, extend, install, modify, move, relocate, remodel, or remove a building, site place, or structure in a manner not in compliance with this Ordinance.
- (2) It shall be unlawful for any person to grade or fill in a manner not in compliance with this Ordinance.
- (3) It shall be unlawful for any person to construct a swimming pool or septic system in a manner not in compliance with this Ordinance.

D. Scope of Jurisdiction

The provisions of this Ordinance shall apply within the Village Limits (i.e., incorporated municipal boundary) of the Village.

E. Applicability

This Ordinance shall not apply to properties upon which construction lawfully commenced prior to the adoption of this Ordinance. Construction initiated prior to the adoption of this Ordinance shall remain subject to previously adopted building codes unless the owner opts to comply with this Ordinance through written notification to the Village.

F. Permit Fees

No permit required by the Building Code shall be issued until the fees prescribed in this section have been paid; nor shall any amendment to a permit be approved until the additional fees, if any, have been paid. Fees for building permits will be based on the valuation of the project as depicted in appendix A attached.

G. Variance

The Board of Aldermen is hereby authorized to approve variances from this Ordinance and the Codes adopted herein.

All variance requests must go before the Zoning Board of Adjustments prior to being heard by the Board of Aldermen.

- (1) No variance shall be granted without first having given public notice and having held a public hearing on the written variance request in accordance with this Ordinance. In order to grant a variance, the Board of Aldermen must first find:
 - (a) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land; and
 - (b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
 - (c) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
 - (d) That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance.
- (2) Such findings of the Board, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and that substantial justice may be done.

2. DEFINITIONS

A. General

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases that are not defined in this Ordinance but are defined in other ordinances of the Village shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this Ordinance.

B. Specific

- (1) **Alter** means to make a physical change in or to a building, object, site or structure.
- (2) **Build** means to form by ordering and uniting materials by gradual means into a composite whole. The term includes the acts of developing or expanding upon buildings or structures. The term also includes the installation or placement upon land of a pre-fabricated building including a HUD-Code Manufactured Home. A building permit is required for HUD-Code Manufactured Homes in order to ensure compliance with Zoning, setbacks and septic rules. HUD-Code Manufactured Homes are not subject to building code standards for construction unless post-factory additions are made to the structure (including but not limited to porches, garages, and additional rooms).
- (3) **Building** means an improvement or change to the property which substantially reduces the permeability of the natural ground underneath the building or structure to absorb rainfall. This

term also includes a dwelling, such as a house, barn, church, hotel, or similar structure created to shelter any form of human activity.

- (4) **Building Inspector** means the person appointed by the Board of Aldermen to inspect building activities to ensure compliance with applicable codes, permits and ordinances. The Village's building inspector can be a volunteer, employee, agent of another political subdivision, company, corporation, or independent contractor retained by the Village.
- (5) **Building Official** means the person appointed by the Board of Aldermen to receive and review applications for permits and ensure compliance with applicable codes, permits and ordinances. The Village's building official can be a volunteer, employee, agent of another political subdivision, company, corporation, or independent contractor retained by the Village.
- (6) **Clear** means to make a material change in the character of the land, including but not limited to the extraction of vegetation, removal of brush, cutting of trees, or modification of the natural grade or slope of the land.
- (7) **Construct** means to excavate or grade property in connection with construction of a foundation for any improvement to be located on the land. The term also means to form a building or structure by combining materials or parts.
- (8) **Demolish** means to remove all or part of a building or structure.
- (9) **Develop** means to make a material change in the use or character of the land, including but not limited to the placement of any building or other structure on the land.
- (10) **Emergency Repairs** means work necessary to prevent further damage caused by occurrences such as natural disasters necessary to preserve the integrity of the structure and will provide for general welfare of the Village.
- (11) **Expand** means to add any square footage of impervious cover on the building or property, regardless of whether such addition will be covered or uncovered.
- (12) **Fill** means to deposit or stockpile dirt, stone, construction debris or other material in order to modify land or alter current drainage patterns.
- (13) **Grade** means to clear, strip, cut, fill or stockpile dirt, including land in its cut and filled condition, to create new grades or alter current drainage patterns.
- (14) **Ordinary Maintenance** means activities relating to a property that would be considered ordinary or common for maintaining the property, including but not limited to repairs, or the replacement of materials with identical or in-kind materials. The term expressly omits activities involving the expansion, modification, enlargement, reduction, renovation or

remodeling of buildings or structures. The term also omits the cutting away of walls or partitions, cutting or removal of a structural beam or load bearing support; removal or change of means of egress.

- (15) **Person** means any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.
- (16) **Remodel** means to construct an addition or alter the design or layout of a building or make substantial repairs or alterations so that a change or modification of the entrance facilities, toilet facilities, or vertical access facilities is achieved.
- (17) **Repair** means the maintenance of or the return to a state of utility of a building, object, site or structure.
- (18) **Structure** means a combination of materials to form a construction for use, occupancy, or ornamentation installed on, above, or below the surface of land or water. The term refers to something arranged in a definite pattern of organization. The term includes those functional constructions made usually for purposes other than creating shelter. The term includes but is not limited to roads, streets, sidewalks, porches towers, tanks.
The term also includes additions to or expansions of mobile homes, HUD-Code Manufactured Homes, manufactured homes, modular homes, and industrialized housing.
- (19) **Temporary Structures & Use** mean the creation of structures or use of land that are limited as to time of service, but shall not be permitted for more than 180 days.
- (20) **Temporary Construction Signage** means a printed notice displaying the builder name, the financier, owner's name and/or company, Department of Labor Standards and Occupation Safety and Health Administration and other Government Publications are required to be posted.
- (21) **Vacant Lot** means land that is undeveloped and unused. The term also includes any area with significant amounts of land not covered by impervious surfaces that is suitable for development or infill.
- (22) **Village** means the Village of Salado, an incorporated municipality located in Bell County, Texas, its agents and employees.

3. RESIDENTIAL BUILDING CODE

A. Code Adopted

The Village hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as the 2009 edition of the “International Residential Code for One- and Two- Family Dwellings,” published by the International Code Council, Inc., as may be amended. Such document, as may be amended, is hereby adopted as the “Residential Building Code” of the Village for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to and use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the Village, and providing for the issuance of permits and collection of fees therefore; and each and all regulations, provisions, conditions and terms of such International Residential Code, which is adopted and made a part hereof as if fully set out in this Ordinance. The Residential Building Code shall also include the certain Appendix Chapters as may be designated by the Board of Aldermen.

B. Amendments

- (1) Automatic Fire Sprinkler Systems. Section R313, Subsection R313.2, “One- and Two-family dwellings automatic fire systems,” is amended by deleting R313.2 in its entirety.
- (2) Truss design drawings. Chapter 5, “Floors,” Section R502, “Wood floor framing,” Subsection R502.11, “Wood Trusses,” R502.11.4 “Truss design drawings,” shall be amended by deleting the words “and approved,” and replaced with “on request.”
- (3) Plumbing generally. Chapter 29, “Plumbing,” In all instances, only copper or pex-al-pex shall be used under a concrete slab.
- (4) Section P2905.3 and Tables P2905.4-6 are amended by deleting all references to Polybutylene (BP) plastic pipe and tubing, thereby prohibiting its use.
- (5) Section P3102.1 is amended to read as follows: “P3102.1 *Main vent required.* Every building shall have one main vent, a minimum of three (3) inches (76 mm) in diameter, that is a vent stack or a stack vent. Such vent stack shall run undiminished in size and as directly as possible from the building drain through to the open air above the roof.”
- (6) Section 1708.2 “Retaining walls.” is amended to read as follows: “Retaining walls two (2) feet and over require a permit and shall be designed by an engineer. Walls used to separate elevations between properties shall be placed on the property line or not closer than six (6) feet to the property line, allowing room to provide a drainage swale that will prevent runoff water from inundating the adjacent properties. Retaining walls shall be constructed of a material that is classified as permanent, such as concrete or concrete masonry units; the use of heavy timber is not permitted within ten (10) feet of any property line. Retaining walls shall be designed in accordance with Section 1808.2 through 1807.2.3. Retaining wall drawings and engineered plans shall be site specific.”

C. Permit Required

It shall be unlawful for any person to build residential buildings or structures within the Village without first applying for and receiving a permit. It shall also be unlawful to build within the Village contrary to a permit that has been issued.

- (1) Signage shall be required for a specified time of the construction or emergency repairs.
- (2) Permits shall be required to be displayed during the duration of the construction.

D. Exemptions

A building permit is not required for the following:

- (1) painting, wallpapering, tiling, carpeting, installing cabinets or countertops, or similar work, emergency repairs as defined (plumbing, electrical, air conditioning, roof, window and door replacements); or
- (2) performing ordinary maintenance.

E. Temporary Structures & Use

The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than the length of the project

4. EXISTING BUILDING CODE

A. Code Adopted

The Village hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as the 2009 edition of the “International Existing Building Code” published by the International Code Council, Inc., as may be amended. Such document, as may be amended, is hereby adopted as the “Existing Building Code” of the Village for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to and use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the Village, and providing for the issuance of permits and collection of fees therefore; and each and all regulations, provisions, conditions and terms of such International Existing Building Code, which is adopted and made a part hereof as if fully set out in this Ordinance. The Existing Building Code shall also include the certain Appendix Chapters as may be designated by the Board of Aldermen.

B. Permit Required

It shall be unlawful for any person to alter residential buildings or structures within the Village without first applying for and receiving a permit. It shall also be unlawful to alter a building within the Village contrary to a permit that has been issued.

- (3) Signage shall be required for a specified time of the construction or emergency repairs.
- (4) Permits shall be required to be displayed during the duration of the construction.

C. Exemptions

A building permit is not required for the following:

- (3) painting, wallpapering, tiling, carpeting, installing cabinets or countertops, or similar work, emergency repairs as defined (plumbing, electrical, air conditioning, roof, window and door replacements); or
- (4) performing ordinary maintenance.

D. Temporary Structures & Use

The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than the length of the project

5. COMMERCIAL BUILDING CODE

A. Code Adopted

The Village hereby adopts a certain document, a copy of which is on file in the office of the Village Secretary, being marked and designated as the 2009 edition of the “International Building Code,” published by the International Code Council, Inc., as may be amended. Such document, as may be amended, is hereby adopted as the “Commercial Building Code” of the Village for control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Commercial Building Code, which is adopted and made a part hereof as if fully set out in this Ordinance. The Commercial Building Code shall also include the certain Appendix Chapters as may be designated by the Board of Aldermen.

B. Permit Required

It shall be unlawful for any person to build non-residential buildings or structures within the Village without first applying for and receiving a permit. It shall also be unlawful to build within the Village contrary to a permit that has been issued.

- (1) Signage shall be required for a specified time of the construction or emergency repairs.
- (2) Permits must be displayed during the duration of the construction.
- (3) Temporary construction signage must meet all state and federal laws.
- (4) Signage shall not be more than two (2) forty-eight (48) square feet each.

C. Exemptions

A building permit is not required for the following:

- (1) painting, wallpapering, tiling, carpeting, installing cabinets or countertops, or similar work,
- (2) performing ordinary maintenance.
- (3) Emergency repairs

6. ELECTRICAL CODE

A. Code Adopted

The Village of Salado (“Village”) hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as the 2011 edition of the “National Electrical Code,” as may be amended. Such document, as may be amended, is hereby adopted as the

“Electrical Code” of the Village, and as such shall apply to all residential electrical construction applications. The Board of Aldermen may establish procedures for the administration and enforcement of the Electrical Code, and may adopt local amendments to the National Electrical Code.

B. Permit Required

It shall be unlawful for any person to perform any electrical work within the Village without first applying for and receiving a permit. It shall also be unlawful to perform any electrical work within the Village contrary to a permit that has been issued.

C. Exemptions

A building permit is not required for the following:

- (1) performing ordinary maintenance; or
- (2) conducting emergency repairs or replacement if the permit application is submitted to the Village the next business day.

7. PLUMBING CODE

B. Code Adopted

The Village hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as the 2009 edition of the “The International Plumbing Code,” published by the International Association of Plumbing and Mechanical Officials, as may be amended. Such document, as may be amended, is hereby adopted as the “Plumbing Code” of the Village, and as such shall apply to all plumbing construction applications. The Board of Aldermen may establish procedures for the administration and enforcement of the Plumbing Code, and may adopt local amendments to the International Plumbing Code.

B. Permit Required

It shall be unlawful for any person to perform any plumbing work within the Village without first applying for and receiving a permit. It shall also be unlawful to perform any plumbing work within the Village contrary to a permit that has been issued.

C. Compliance Required

Additions, alterations, renovations or repairs to any plumbing system shall conform to that required for a new plumbing system without requiring the existing plumbing system to comply with all the requirements of this code. Minor additions, alterations, renovations and repairs to existing plumbing systems shall be permitted in the same manner and arrangement as in the existing system, provided that such repairs or replacement are not hazardous and are approved.

D. Exemptions

A building permit is not required for the following:

- (1) stopping leaks, replacement of water closets, replacement of sinks and fixtures provided that if any concealed trap, drainpipe, or vent pipe becomes defective and it becomes necessary to remove and replace with new material, such removal and replacement activities shall be considered new work that requires a permit and inspection under this code;
- (2) performing ordinary repairs and maintenance; or
- (3) conducting emergency repairs or replacement if the permit application is submitted to the Village the next business day.

8. MECHANICAL CODE

A. Code Adopted

The Village hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as the 2009 edition of the “The International Mechanical Code,” as developed by the International Code Council, as may be amended. Such document, as may be amended, is hereby adopted as the “Mechanical Code” of the Village, and as such shall apply to all mechanical construction applications. The Board of Aldermen may establish procedures for the administration and enforcement of the Mechanical Code, and may adopt local amendments to the International Mechanical Code.

B. Permit Required

It shall be unlawful for any person to perform any mechanical work within the Village without first applying for and receiving a permit. It shall also be unlawful to perform any mechanical work within the Village contrary to a permit that has been issued.

C. Exemptions

A permit is not required for the following:

- (1) performing ordinary repairs and maintenance; or
- (2) conducting emergency repairs or replacement if the permit application is submitted to the Village the next business day.

9. ENERGY CONSERVATION CODE

A. Code Adopted

The Village hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as the 2009 edition of the “The International Energy Conservation Code.” Such document, as may be amended, is hereby adopted as the “Energy Conservation Code” of the Village, and as such shall apply to all residential and commercial construction applications. The Board of Aldermen may establish procedures for the administration and enforcement of the Energy Conservation Code, and may adopt local amendments to the International Energy Conservation.

B. Amendments

- (1) Chapter 4, “Residential Energy Code,” Table 402.1.1, “Insulation and Fenestration Requirements by Components,” shall be amended by deleting requirements found in the “Glazed Fenestration SHGC” in “Climate Zone 2,” until the State of Texas mandates these requirements.

10. FIRE CODE

A. Code Adopted

The Village hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as the 2009 edition of the “The International Fire Code.” Such document, as may be amended, is hereby adopted as the “Fire Code” of the Village, and as such shall apply to all residential and commercial construction applications. The Board of Aldermen may establish procedures for the administration and enforcement of the Fire Code, and may adopt local amendments to the International Fire Code.

B. Amendments

- (1) Section 109.3, “*Violation Penalties*,” shall be amended to read as follow: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Misdemeanor, punishable by a fine of not more than less than two hundred dollars (\$200.00) or more than two thousand dollars (\$2000.00) or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each 14 days that a violation continues after due notice has been served shall be deemed a separate offense.
- (2) Section 3404.2.9.6.1, “*Locations where aboveground tanks are prohibited*.” is amended to read as follows: “The storage of Class I and Class II liquids located outside of buildings shall comply with NFPA 30 standards and the Village of Salado.”
- (3) Section 3406.2.4.4, “*Locations where above-ground tanks are prohibited*.” Is amended to read as follows: “The storage of Class I and Class II liquids shall be kept outside and at least fifty (50) feet from buildings and combustible storage Section 3406.2.4.3. Storage of Class I and Class II liquids shall also comply with NFPA 30 standards and the Village of Salado.”
- (4) Section 3506.2, is amended to read as follows: “Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of the Village of Salado in which such storage is prohibited.”
- (5) Section 3804.2, is amended to read as follows: “The storage of liquefied petroleum gas is restricted for the protection of heavily populated areas and shall not exceed two thousand (2,000) gallons. In particular installations, this capacity limit shall be determined by the code official and shall comply with NFPA 58.”

11. FUEL GAS CODE

A. Code Adopted

The Village hereby adopts a certain document, one copy of which is on file in the office of the Village Secretary, being marked and designated as the 2009 edition of the “The International Fuel Gas Code.” Such document, as may be amended, is hereby adopted as the “Fuel Gas Code” of the Village, and as such shall apply to all residential and commercial construction applications. The Board of Aldermen may establish procedures for the administration and enforcement of the Fuel Gas Code, and may adopt local amendments to the International Fuel Gas Code.

12. PLAN REVIEW AND INSPECTIONS

- A.** The Village Administrator is authorized to contract for the services of reviewing and approving building plans and performing inspections by a qualified building inspector during construction.
- B.** If the building inspector determines that a violation of this ordinance or any of the adopted International Codes has occurred, he/she will put a Stop Work order on the project and notify the Village Administrator, Village Secretary, Code Official, or Building Official of the violation. If the Stop Work order is violated, the Building Official shall proceed with a complaint against the property owner and/or builder and file the complaint with the municipal court. Once the violation has been cleared/corrected, the building inspector shall remove the Stop Work order and allow the project to continue.

13. GRADE & FILL

A. Permit Required

It shall be unlawful for any person to grade or fill a vacant lot without first applying for and receiving a permit for such grade and fill from the Village in compliance with this Ordinance.

B. Permit Standards

- (1) In considering whether to issue a grade and fill permit, the Village shall require from the applicant a drainage study on the impact of the proposed drainage patterns on neighboring properties and waterways.
- (2) The Applicant must submit information describing the intended use of the property and the necessity for the grade and/or fill improvements.
- (3) A permit for the stockpiling of any dirt or other fill material may only be for a temporary period not to exceed one hundred and eighty days (180).

14. PERMIT APPLICATIONS

A. Plans, Specifications and Surveyed Plot: At the time of application for permit the applicant shall provide the Village Administrator with the following:

- (1) Plans and specifications to include the front, side and rear elevations and a detailed floor plan of the proposed structure. Electrical, plumbing, and mechanical drawings will be required on all plans. All plans and specifications that require professional seals must be signed with seal before submitting. Asbestos and lead paint inspections are required for structures constructed prior to 1976 and, documentation of all reports are required.
- (2) A Survey/Plot Plan showing the location of the proposed structure will include easements and utility setbacks. Also a floor plan set of drawings as to where the structure to be located is needed.
- (3) A Survey reflecting the approximate location of the septic system in relation to the proposed structure and the property lines.

15. REMOVAL OF MATERIALS

No person shall place or allow trash from building materials on areas adjacent or near the property upon which the structure is being built. It shall be unlawful for the owner or contractor to allow trash, brush or building materials to be thrown, blown or placed upon any street, sidewalk, right-of-way, alley or public place. It shall be the duty of the owner or contractor to remove all unused building materials, trash, garbage, etc., from the premises upon completion of the structure.

16. SCAFFOLDING

It shall be unlawful for any person to erect, or cause to be erected or used, any scaffold in this Village, for use in the erection of stone, brick or other building material, unless the same is well secured and safely supported, and is sufficient width, so as to insure the safety of persons working thereon, or passing by or under the same, against the falling thereof, or such materials as may be used, placed or deposited thereon.

17. GUARDING HOLES

It shall be unlawful for any persons having charge of any private or public improvements in the Village to leave any hole, ditch or excavation, in, or adjoining any public place, without guarding, covering or fencing the same, so as to prevent persons or animals from danger of falling therein.

18. SANITARY FACILITIES

Whenever a construction project will require that workers remain on the project site for more than four (4) hours per day and whenever said project will have an expected duration of fourteen (14) or more days and whenever there are no available sanitary facilities convenient to the project site, the general contractor or property owner will provide temporary sanitary facilities. The facilities provided will be convenient to the project site and will be constructed in such a manner as to provide privacy to the user. The facilities will be maintained and serviced as required to ensure that said facilities are neither a nuisance nor a hazard.

19. FENCING

A. Permit Required

It shall be unlawful for any person to erect a fence without first applying for and receiving a permit from the Village in compliance with this Ordinance and the Village's Zoning Ordinance. (Sec. 5.3, pg 98).

B. At no time shall the fence be in conflict or violation with existing ordinances setting out clearances around fire plugs, clearances from street corners or ordinances touching upon sight clearances.

20. SWIMMING POOL FENCING

A. All outdoor swimming pools of a permanent or semi-permanent construction having a depth of more than fourteen (14) inches, whether constructed above or below the ground, shall be enclosed by a fence at least forty-eight (48) inches high. The fence and gates shall be of such material and construction so as to be a deterrent to small children who might be attracted to the pool.

B. At no time shall the fence be in conflict or violation with existing ordinances setting out clearances around fire plugs, clearances from street corners or ordinances touching upon sight clearances.

C. It shall be unlawful for any person, firm or corporation to own, in whole or part, or to be in possession of any swimming pool which is not fenced as provided in this section.

21. SEPTIC PERMITS

A. **Application for Permit:** All applications for permits to construct and operation an on-site sewage facility (i.e., "OSSF", or "septic system") must be made by the homeowner or the contractor who will perform the work.

B. **Construction Standards:** Construction Standards for On-Site Sewerage Facilities adopted by the Texas Department of Health on June 27, 1987, and most current by Bell County Health Department,

and are further adopted by the Village of Salado, Texas, without change, and made effective within the Village by this Ordinance.

C. Application for Permit to Construct On-Site Facility:

1. The application for sewer/septic permits will be done at the Bell County Health Department and the Bell County Health Department will collect the associated fee and process inspections during construction.
2. A completed Site Evaluation Form which has been approved by a Registered Professional Engineer or a Registered Professional Sanitarian must be submitted with the Application for On-Site Sewerage Facility Permit.
3. Application for On-Site Sewerage Facility Permit must include the approved Site Evaluation Form and show that the facility will meet the requirements for capacity and area size to accommodate the proposed building.
4. Each builder, whether general contractor or subcontractor, who applies for this permit must have in his possession a copy of the publication referred to in C.1. above, and each builder shall confirm in writing on the application form that he has the publication in his possession.

D. Leaching pits or sumps will not be used or approved within the Village limits of the Village of Salado.

E. All requests for sewer/septic permits which contemplate installation of alteration of septic systems will be accompanied by a plot of the building site showing the exact location of the sewer/septic system.

21. EXPIRATION OF PERMITS

All permits shall expire and considered no longer valid 180 days after issuance unless construction work thereunder has actually started before the expiration of such period of time. In addition, construction must be completed within one (1) year from the date of issuance of the building permit depending on weather related circumstances, material delays and labor issues. The Village of Salado Aldermen are authorized to waive these provisions if, in its opinion, the situation warrants such waiver.

22. ENFORCEMENT

A. Civil and Criminal Penalties

The Village shall have the power to administer and enforce the provisions of this Ordinance and the codes adopted by this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance or the codes herein adopted is subject to suit for injunctive relief as well

as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

B. Criminal Prosecution

Any person violating any provision of this Ordinance or the codes herein adopted shall, upon conviction, be fined a sum not exceeding \$500.00. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

C. Civil Remedies Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and the codes herein adopted, and to seek remedies as allowed by law, including, but not limited to the following:

- (1) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
- (2) a civil penalty up to \$100.00 a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
- (3) other available relief.

APPENDIX A

FEE SCHEDULE

Residential/Commercial Accessory Building less than 150 feet - \$35.00 (more than 150 square feet, based on value of project) Driveway or Walkway - \$20.00 Raze, Demolish, and/or Removal - \$20.00 Fencing - \$35.00 General Fee for items not specified - \$20.00

COMMERCIAL BUILDING PERMIT FEE SCHEDULE

<u>Value of Project</u>	<u>Fee + 10%</u>
\$1.00 to \$10,000.00	\$126.92
\$10,001.00 to \$25,000.00	\$164.49 for the first \$10,000.00, plus \$12.71 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$355.14 for the first \$25,000.00, plus \$9.17 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$584.39 for the first \$50,000.00, plus \$6.35 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$901.89 for the first \$100,000.00, plus \$5.08 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$2933.89 for the first \$500,000.00, plus \$4.32 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,000.00 and up	\$5093.89 for the first \$1,000,000.00, plus \$2.87 for each additional \$1,000.00, or fraction thereof

The Building official may require the applicant to verify the declared value of the project.

Residential/Commercial Accessory Building less than 150 feet - \$35.00 (more than 150 square feet, based on value of project) Driveway or Walkway - \$20.00 Raze, Demolish, and/or Removal - \$20.00 Fencing - \$35.00 General Fee for items not specified - \$20.00

RESIDENTIAL BUILDING PERMIT FEE SCHEDULE

<u>Value of Project</u>	<u>Fee + 10%</u>
\$1.00 to \$10,000.00	\$76.92
\$10,001.00 to \$25,000.00	\$99.69 for the first \$10,000.00, plus \$7.70 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$215.19 for the first \$25,000.00, plus \$5.56 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$354.19 for the first \$50,000.00, plus \$3.85 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$546.69 for the first \$100,000.00, plus \$3.08 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$1,778.69 for the first \$500,000.00, plus \$2.62 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,000.00 and up	\$3,088.69 for the first \$1,000,000.00, plus \$1.74 for each additional \$1,000.00, or fraction thereof

The Building official may require the applicant to verify the declared value of the project.