ORDINANCE _____

AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING CHAPTER 5-BUILDINGS AND BUILDING REGULATIONS ARTICLE I - BUILDING STANDARDS OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE, AND FINDING THE MEETING WAS OPEN TO THE PUBLIC.

WHEREAS, the City of Gainesville, Texas (the "City) desires to preserve the integrity of the community; and

WHEREAS, the City Council recommend that building and building regulations b eamended.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GAINESVILLE, TEXAS:

SECTION 1. <u>Findings</u>
The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions, and requirements of this ordinance are reasonable and necessary to protect public health, safety and quality of life.

SECTION 2. <u>Amend Article I Section 5-3</u>
Article I Section 5-3 is hereby amended to read as follows:

Section 5-3. - Specific amendments to the International Building Code.

[Specific amendments:]

(1)Add to the end of paragraph 105.1 "Permits for projects in a floodplain area also require an approved Floodplain Development Permit prior to the issuance of a building permit."
(2)Delete paragraphs 105.1.1 Annual permits and paragraph 105.1.2 Annual permit records.
(3)Paragraph 105.2 Work exempt from permits. Under Buildings, delete subparagraphs 1-6
(4)Add paragraph 111.2.1 Each new tenant or owner shall require a new Certificate of Occupancy.
(5)Add to the end of paragraph 115.2, "A stop work order may also be posted in a conspicuous place at the jobsite and shall state the nature of the violation."
(6)Add to the end of paragraph 116.2, "Rejection of the terms shall refer the case to the appropriate city authority as determined by City Council for a final determination."
(7)Add to paragraph 702.1 Fire separation distance. "4. In no case shall the fire

separation distance between commercial/industrial buildings on the same lot be less than 24 feet in any direction. Any other distance, whether greater or smaller, shall be determined on a case by case basis by the Fire Marshal. 5. Apartments shall be considered as commercial buildings."

(8)Add to the end of 903.2.8, "...where required by state law."

(9)Add to the end of paragraph 1612.1, "Also refer to the City of Gainesville Flood Control Ordinance."

(10)Delete paragraph 3410.1 and add new 3410.1 Conformance. Structures being moved into or within the City Limits of Gainesville shall comply with the standards adopted in City Code of Ordinances Article I Section 5-11 – Moving Structures.

(11)Paragraph 3412.2, Applicability, change to read, Structures existing prior to "the effective date of this Ordinance" in which there is work.....

(12)Add paragraph C102.1 General Building classified as Group U Agriculture shall respect established height limits and setbacks as established in the most currently adopted zoning regulations per "City of Gainesville Code of Ordinances"

SECTION 3. <u>Add Article I Section 5-11</u>

Article I Section 5-11 is hereby added to read as follows:

Section 5-11 – Moving Structures

1. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

Mover means any person, firm, or corporation which is responsible for moving a structure.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

It shall be unlawful for any person, firm, or corporation to move or cause to be moved a structure from one (1) location to another within the city, or to move a structure within the city to a point outside the city, or from a location outside the city to another location outside the city using city thoroughfares, without first obtaining a permit from the building official.

2. - Application required.

A. Any person, firm, or corporation desiring to move any house or structure on any public street, alley or right-of-way in the city, subject to the requirements of this

article, shall first make a written application therefore with the chief building official of the city no less than ten (10) days in advance of proposed move, which form of such application shall be furnished by the city, for the following;

(1) Contractor registration in accordance with the rules and regulations adopted by the City of Gainesville including but not limited to those within Chapter 5 of the City Code of Ordinances.

(2) Moving Permit in accordance with the rules and regulations as adopted by the City of Gainesville including but not limited to those within Chapter 5 of the City Code of Ordinances, and at minimum detailing:

a. The current location of the house or structure to be moved.

b. The new location of such house or structure, including a certified form board survey plot plan.

c. A city map showing the proposed route over which the same is proposed to be transported,

d. The name address, and telephone number of the owner of the property where structure is to be permanently located.

e. The name, address, and telephone number of the person, firm, or corporation conducting the physical move of the structure.

f. Description of the structure being moved, including the maximum width, height, and length, along with the calculated or actual weight of the structure.

g. Vehicle and trailer information, to include the make, model, license number, and current vehicle registration certificate.

h. The planned date and time desired within which such move is to occur.

B. If the chief building official or his designee determines that such move shall be made safely and such proposed transporting and relocation will be in full compliance with this article and all zoning and building regulations of the city, such permit shall be issued conditioned upon the payment of all fees provided for herein and conditioned further that such applicant furnish proof to the city of liability insurance in the amount of not less than $100,000.00 per person for bodily injuries (including death), and not less than $300,000.00 for all bodily injuries (including death) to all persons on account of one accident, and $100,000.00 per incident for property damage.

3. - Exemptions.

A permit is not required when:

(1) The moving route originates outside the city and is confined to a state or federal highway with no stops within the city and with a destination outside the city;

(2) The structure does not exceed twelve (12) feet in width, twenty (20) feet in length or more than thirteen and one-half (13½) feet in height when loaded, provided that the vehicle on which the structure is transported shall be equipped with rubber tires.

4. - Historic properties.

A structure moving permit may be withheld for any structure within the Heritage Preservation Overlay District as designated by the Zoning Code for a period not exceeding thirty (30) days for review by the heritage preservation committee. If the heritage preservation committee fails to act within the thirty-day period, the structure moving permit shall be deemed to be approved by the committee for its purposes.

5. - Building permit required.

Prior to or at time of application for permit to move any structure to any location within the city, the owner of the lot or parcel to which the structure is proposed to be moved shall obtain a building permit in compliance with the building codes and zoning ordinances of the city. In addition an engineered foundation approved by the City must be present on the site prior to issuance of a structure moving permit.

6. – Floodplain

Properties within FEMA Designated Flood Hazard Areas are subject to the following restrictions.

(1) No structure may be moved into the FEMA Designated Floodway or 1% (100 year) Special Flood Hazard Area.

(2) Structures may be moved within the 0.2 (500 year) Special Flood Hazard Area but require an additional Flood Plain Permit issued by the City's Certified Floodplain Manager in accordance with the rules and regulations adopted by the City of Gainesville including but not limited to those within Chapter 15, Article II, of the City Code of Ordinances

7. - Approvals required.

The applicant shall be required to obtain approval from the following prior to the issuance of a structure moving permit:

(1) Community Services Department.
(2) Public Services Department.
(3) Telephone company.
(4) Electric company.
(5) Gas company.
(6) Television cable company.

8. - Escort.

No person, firm or corporation shall move any structure across or along any street, public right-of-way, or place within the city unless accompanied by an escort company.

9. - Lights required.

While in transit, the structure shall be outlined with lights on each side in such a manner as to indicate the extreme width, height and length of the structure, and in accordance with all State or Local laws governing traffic.

10. - State permit.

A copy of the state permit will be required when the proposed route includes a state highway.

11. - Utility wires.

The movers shall under no condition cut, raise, or move any wire or wires found across or along any street or alley and shall not remove the same from any post or support or damage the same, but shall stop all operations in the moving process until the wire is raised, cut or moved by an employee of the company owning or maintaining the wire.

12. - Occupancy of structure.

The structure shall be completed and ready for occupancy by meeting all codes within one hundred eighty (180) days from the time of its placement. Structures not meeting this requirement shall be considered a substandard structure and public nuisance, and the City shall exercise its rights under law to remediate such nuisance.

13. – Building standards

Any structure moved within the municipal boundaries of the City of Gainesville shall be required to meet the established criteria found in the adopted codes for the following.

A. Land Use
   (1) City of Gainesville Zoning Code
   (2) City of Gainesville Subdivision Regulations.
B. Construction Codes
   (1) Building Code
   (2) Residential Code
   (3) Electric Code
   (4) Plumbing Code
   (5) Fuel Gas Code
   (6) Fire Code

(7) Energy Conservation Code

14. – Criteria for establishing Energy Code compliance

The following guidelines establish the criteria for the energy code acceptance of a structure being moved into the municipal boundaries.

A. All structures having twenty-five percent (25%) of the interior walls exposed shall be required to pass the REScheck or COMcheck as required per city code prior to being moved into the municipal boundaries.
B. Structures having less than twenty-five percent (25%) of the interior walls exposed may be moved into the municipal boundaries under the following conditions.
    (1) Providing a REScheck form with a passing score to the city, and exposing all affected hidden surfaces to validate accuracy of report during inspection. Hidden surfaces include ceilings, floors, sub-floors and walls; or
    (2) Providing a COMcheck form with a passing score to the city, and exposing all affected hidden surfaces to validate accuracy of report during inspection. Hidden surfaces include ceilings, floors, sub-floors and walls; or
    (3) In the event, the owner of the structure does not want to validate the REScheck or COMcheck a structure may make the following additions and changes to the structure for acceptance.
        a) Replacement of all windows to those having
            i. Solar Heat Gain Coefficient of (SHGC) of 0.4 or better.
            ii. U-factor (U-Value) of 0.3 or better.
        b) Addition of attic insulation with an R-Factor (R-Value) of 40 or better to a minimum depth of 12 inches.
        c) Addition of a closed-cell spray polyurethane foam with an R-Factor (R-Value) of 5 or better under sub-floors, if using a pier and beam foundation.

15. - Restoration of property.

The premises from which the structure was removed shall be left free from unsafe, unsanitary, or hazardous condition, including the removal of all accessory structures, removal of all foundations, cleaning up of the lot and restoration of the established grade. All utilities to the lot, including the sewer, water, gas and electrical, shall be terminated below grade and capped where applicable.

16- Hours.

Structures may be moved only between the hours of 7:00 a.m. and 7:00 p.m., except as may be approved by the building official.

17. - Fees.

Permit fees will be charged in accordance with the City of Gainesville's most recently adopted Annual Fee Schedule. Additionally, the applicant is solely responsible for all fees and charges by any of the following which shall be paid prior to the issuance of any permit.

(1) Public Services Department.
(2) Police Department.
(3) Any utility company that may be involved.

SECTION 4. SEVERABILITY
If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of the same to any person or set of circumstance, if for any reason held unconstitutional, void, or invalid (or for any reason unenforceable), the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intention of the City Council and the Mayor of the City of Gainesville in adopting and approving this Ordinance, that no portion hereof or provision or regulation contained herein, shall become inoperative or fail by any reason of any unconstitutionality or invalidity of any other portion, provision, or regulation.

SECTION 5. REPEAL OF CONFLICTING ORDINANCES
All Ordinances of the City of Gainesville, or provisions thereof, in conflict with this Ordinance and not specifically repealed herein are hereby repealed.

SECTION 6. EFFECTIVE DATE
This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Texas Government Code and City Charter*.

SECTION 7. OPEN MEETINGS
It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551 of the Texas Government Code.*

FIRST READING
READ FOR THE FIRST TIME BEFORE THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 2ND DAY OF APRIL 2013.

_7__ AYES _0__ NAYS _0__ ABSENCES_0__ ABSTENTIONS.

_/S/_____
JIM GOLDSWORTHY, MAYOR

ATTEST:

_/S/_____
KAY LUNNON, CITY SECRETARY