

ORDINANCE NO 08-2018  
CITY OF LINDALE, LINDALE, TEXAS

AN ORDINANCE OF THE CITY OF LINDALE, TEXAS ADOPTING THE 2015 EDITION OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL EXISTING BUILDING CODE , INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL SWIMMING POOL AND SPA CODE AS CURRENTLY PUBLISHED BY THE INTERNATIONAL CODE COUNCIL INC., AND NATIONAL FIRE PROTECTION ASSOCIATION, INCLUDING BUT NOT LIMITED TO THE ENFORCEMENT AND PENALTY PROVISIONS, PROVIDING CERTAIN AMENDMENTS, REQUIRING REGISTRATION OF CONTRACTORS, ESTABLISHING FEES, REPEALING ORDINANCES IN CONFLICT, PRESERVING EXISTING RIGHTS AND REMEDIES, ESTABLISHING THE VALIDITY OF EACH SECTION AND PROVISION OF THE ORDINANCE AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINDALE, TEXAS THAT:

**ARTICLE 1 ADOPTION OF CODES**

**Section 1-1: The International Building Code**

- (a) Except as otherwise provided by this Section, the International Building Code, 2015 edition, including the Appendix C Agricultural Buildings, Appendix E Supplementary Accessibility Requirements, Appendix F Rodent Proofing, Appendix G Flood-Resistant Construction, Appendix I Patio Covers, Appendix J Grading, Appendix K Administrative Provisions; as currently published by the International Code Council, Inc. and as currently filed in the office of the Secretary of the City of Lindale (“IBC”) is hereby adopted as the Building Code for the City of Lindale. Except as otherwise provided by this Section, each and every term, regulation, provision, and penalty included in the IBC is adopted by reference as if copied herein and made a part of this Ordinance for all purposes.
- (b) The following section of the IBC are amended:
1. Section 101.1 of the IBC is amended to insert: The City of Lindale

2. Section 105.3.1 of the IBC is amended to add the following sentence: “Notwithstanding anything to the contrary, the building official shall not issue a building permit until the appropriate fee for the permit has been paid.”
3. Section 113 of the IBC is deleted and amended to add the following: “Any person adversely affected by a decision of the Building Official shall have the right to appeal the decision of the Building Official to the Municipal Court, provided a written Notice of Appeal is filed with the Clerk of the Municipal Court and served on the Building Official within 21 days after the day the decision of the Building Official is served on the party adversely affected.”

113.1 The Notice of Appeal shall include the name, address and telephone number of the person filing the appeal. The Notice of Appeal shall state the decision of the Building Official from which relief is requested, the relief requested, and describe in detail the facts supporting the relief requested.

113.2 The Clerk of the Court shall set a hearing on the appeal, to be held within 45 days after a timely Notice of Appeal is received by the Clerk. Notice of the hearing shall be served on the appellant at the address provided in the Notice of Appeal and on the Building Official not less than 14 days before the date set for the hearing.

113.3 The hearing shall be open to the public. The Appellant, the Building Official, and anyone whose interests are adversely affected by the decision of the Building Official shall be given an opportunity to be heard.

113.4 At the conclusion of the hearing, the Municipal Court shall issue an order:  
(A) affirming the decision of the Building Official  
(B) affirming the decision of the Building Official as modified by the Court; or  
(C) reverse the decision of the Building Official.

113.5 Subsections 113.1 through 113.4 shall not apply to an original criminal proceeding filed in the Municipal Court under Section 114.4 or 115.3 of the IBC or a civil adjudication proceeding to enforce the IBC filed by the City pursuant to Section 1-11 of this Ordinance or any other proceeding filed by the City pursuant to State or Federal Law.

4. Section 114.4 of the IBC is deleted and the following is inserted:  
114.4 Violation Penalties. It is an offense for a person to:  
(A) violate a provision of this code;  
(B) fail to comply with any of the requirements of this code; or  
(C) erect, construct, alter, or repair a building or structure in violation of
  - (1) the approved construction documents;
  - (2) a written directive of the Building Official; or
  - (3) a permit or certificate issued under the provisions of this code.

A person who commits an offense under this section is guilty of a Class C misdemeanor punishable by a fine not to exceed \$2,000.00 per offense. Each day a person violates this section is a separate offense. Proof of a culpable mental state is not required for conviction under this section.

5. Section 115.3 of the IBC is deleted and the following is inserted:  
115.3 Unlawful Continuance. "Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C misdemeanor, punishable by a fine or not more than two thousand \$2,000.00 dollars. Each day a person violates this section is a separate offense."
6. Section 1612.3 of the IBC is amended to insert: The City of Lindale dated: 02/2018.

**Section 1-2: The International Residential Code**

(a) Except as otherwise provided in this Section, the International Residential Code, 2015 edition, including Appendix E, Manufactured Housing Used as Dwellings; Appendix G Piping Standards for Various Applications; Appendix H Patio Covers; Swimming Pools, Spas and Hot Tubs, Appendix J Existing Buildings and Structures; as currently published by the International Code Council, Inc. and as currently filed in the office of the Secretary of the City of Lindale ("IRC") is hereby adopted as the Residential Code for the City of Lindale. Except as otherwise provided in this Section, each and every term, regulation, provision, and penalty included in the IRC is adopted by reference as if copied herein and made a part of this Ordinance for all purposes.

(b) The following sections of the IRC are amended:

1. Section R101.1 of the IRC is amended to insert: The City of Lindale
2. Section R112 of the IRC is deleted and amended to add the following: "Any person adversely affected by a decision of the Building Official shall have the right to appeal the decision of the Building Official to the Municipal Court, provided a written Notice of Appeal is filed with the Clerk of the Municipal Court and served on the Building Official within 21 days after the day the decision of the Building Official is served on the party adversely affected."

R112.1 The Notice of Appeal shall include the name, address and telephone number of the person filing the appeal. The Notice of Appeal shall state the decision of the Building Official from which relief is requested, the relief requested, and describe in detail the facts supporting the relief requested.

R112.2 The Clerk of the Court shall set a hearing on the appeal, to be held within 45 days after a timely Notice of Appeal is received by the Clerk. Notice of the hearing shall be served on the appellant at the address provided in the Notice of Appeal and on the Building Official not less than 14 days before the date set for the hearing.

R112.3 The hearing shall be open to the public. The Appellant, the Building Official, and any one whose interests are adversely affected by the decision of the Building Official shall be given an opportunity to be heard.

R112.4 At the conclusion of the hearing, the Municipal Court shall issue an order:

- (A) affirming the decision of the Building Official;
- (B) affirming the decision of the Building Official as modified by the Court; or
- (C) reverse the decision of the Building Official.

R112.5 Subsections 112.1 through 112.4 shall not apply to an original criminal proceeding filed in the Municipal Court under Section R113.4 or R114.2 of the IRC or a civil adjudication proceeding to enforce the IRC filed by the City pursuant to Section 1-11 of this Ordinance or any other proceeding filed by the City pursuant to State or Federal law.

3. Section R113.4 of the IRC is deleted and the following is inserted:

R113.4 Violation Penalties. It is an offense for a person to:

- (A) violate a provision of this code;
- (B) fail to comply with any of the requirements of this code; or
- (C) erect, construct, alter or repair a building or structure in violation of:
  - (1) the approved construction documents;
  - (2) a written directive of the Building Official; or
  - (3) a permit or certificate issued under the provisions of this code.

A person who commits an offense under this section is guilty of a Class C misdemeanor punishable by a fine not to exceed \$2,000.00 per offense. Each day a person violates this section is a separate offense. Proof of a culpable mental state is not required for conviction under this section.

4. Section R114.2 of the IRC is deleted and the following is inserted:

R114.1 Unlawful Continuance. "Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C misdemeanor, punishable by a fine or not more than two thousand \$2,000.00 dollars. Each day a person violates this section is a separate offense."

5. Section P2603.5.1 of the IRC is deleted and the following is inserted: "Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of twelve (12) inches

below finished grade at a point of the septic tank connection. Building sewers shall not be less than (12) inches below grade”

### **Section 1- 3:       The International Plumbing Code**

Except as otherwise provided by this Section, the International Plumbing Code, 2015 edition, as currently published by the International Code Council, Inc. and as currently filed in office of the Secretary of the City of Lindale (“IPC”) is hereby adopted as the Plumbing Code for the City of Lindale. Except as otherwise provided by this Section, each and every term, regulation, provision, and penalty included in the IPC is adopted by reference as if copied herein and made a part of this Ordinance for all purposes.

(a) The following section of the IPC are amended:

1. Section 101.1 of the IPC is amended to insert: The City of Lindale
2. Section 106.6 of the IPC is deleted and the following is inserted: “A permit shall not be issued until the appropriate fee for the permit has been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the plumbing system, has been paid.”
3. Section 106.6.2 of the IPC is deleted.
4. Section 106.6.3 of the IPC is deleted.
5. Section 108.4 of the IPC is deleted and the following is inserted: Violation Penalties. “Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs plumbing work in violation of the approved construction documents or written directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine not to exceed two thousand (\$2,000.00) dollars for each offense. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”
6. Section 108.5 of the IPC the last sentence of section 108.5 is deleted and the following is inserted: “Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, punishable by a fine or not more than two thousand (\$2,000.00) dollars.”
7. Section 109 of the IPC is deleted and amended to add the following: “Any person adversely affected by a decision of the Building Official shall have the right to appeal the decision of the

Building Official to the Municipal Court, provided a written Notice of Appeal is filed with the Clerk of the Municipal Court and served on the Building Official within 21 days after the day the decision of the Building Official is served on the party adversely affected.”

109.1 The Notice of Appeal shall include the name, address and telephone number of the person filing the appeal. The Notice of Appeal shall state the decision of the Building Official from which relief is requested, the relief requested, and describe in detail the facts supporting the relief requested.

109.2 The Clerk of the Court shall set a hearing on the appeal, to be held within 45 days after a timely Notice of Appeal is received by the Clerk. Notice of the hearing shall be served on the appellant at the address provided in the Notice of Appeal and on the Building Official not less than 14 days before the date set for the hearing.

109.3 The hearing shall be open to the public. The Appellant, the Building Official, and any one whose interests are adversely affected by the decision of the Building Official shall be given an opportunity to be heard.

109.4 At the conclusion of the hearing, the Municipal Court shall issue an order:

- (A) affirming the decision of the Building Official;
- (B) affirming the decision of the Building Official as modified by the Court; or
- (C) reverse the decision of the Building Official.

109.5 Subsections 109.1 through 109.4 shall not apply to an original criminal proceeding filed in the Municipal Court under Section 108.4 or 108.5 of the IPC or a civil adjudication proceeding to enforce the IPC filed by the City pursuant to Section 1-11 of this Ordinance or any other proceeding filed by the City pursuant to State or Federal law.

8. Section 305.4.1 of the IPC is deleted and the following is inserted: “Sewer depth. Building sewer shall be a minimum of twelve (12) inches below grade.”

#### **Section 1- 4: The International Fuel Gas Code**

(a) Except as otherwise provided by this Section, the International Fuel Gas Code, 2015 edition, as currently published by the International Code Council, Inc. and as currently filed in office of the Secretary of the City of Lindale (“IFGC”) is hereby adopted as the Fuel Gas Code for the City of Lindale. Except as otherwise provided by this Section, each and every term, regulation, provision, and penalty included in the IFGC is adopted by reference as if copied herein and made a part of this Ordinance for all purposes.

(b) The following sections of the IFGC are amended:

1. Section 101.1 of the IFGC is amended to insert: The City of Lindale

2. Section 106.5 of the IFGC is deleted and the following is inserted: “A permit shall not be issued until the appropriate fee for the permit has been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the plumbing system, has been paid.”
3. Section 106.6.2 of the IFGC is deleted.
4. Section 106.2.3 of the IFGC is deleted.
5. Section 108.4 of the IFGC is deleted and the following is inserted: Violation Penalties. “Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs plumbing work in violation of the approved construction documents or written directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine not to exceed two thousand (\$2,000.00) dollars for each offense. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”
6. Section 108.5 The last sentence of Section 108.5 of the IFGC is deleted and the following is inserted: “Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be a guilty of a misdemeanor, punishable by a fine or not more than two thousand (\$2,000.00) dollars.”
7. Section 109 of the IFGC is deleted and amended to add the following: “Any person adversely affected by a decision of the Building Official shall have the right to appeal the decision of the Building Official to the Municipal Court, provided a written Notice of Appeal is filed with the Clerk of the Municipal Court and served on the Building Official within 21 days after the day the decision of the Building Official is served on the party adversely affected.”

109.1 The Notice of Appeal shall include the name, address and telephone number of the person filing the appeal. The Notice of Appeal shall state the decision of the Building Official from which relief is requested, the relief requested, and describe in detail the facts supporting the relief requested.

109.2 The Clerk of the Court shall set a hearing on the appeal, to be held within 45 days after a timely Notice of Appeal is received by the Clerk. Notice of the hearing shall be served on the appellant at the address provided in the Notice of Appeal and on the Building Official not less than 14 days before the date set for the hearing.

109.3 The hearing shall be open to the public. The Appellant, the Building Official, and any one whose interests are adversely affected by the decision of the Building Official shall be given an opportunity to be heard.

- 109.4 At the conclusion of the hearing, the Municipal Court shall issue an order:
- (A) affirming the decision of the Building Official;
  - (B) affirming the decision of the Building Official as modified by the Court; or
  - (C) reverse the decision of the Building Official.

109.5 Subsections 109.1 through 109.4 shall not apply to an original criminal proceeding filed in the Municipal Court under Section 108.4 or 108.5 of the IFGC or a civil adjudication proceeding to enforce the IFGC filed by the City pursuant to Section 1-11 of this Ordinance or any other proceeding filed by the City pursuant to State or Federal law.

### **Section 1-5: The International Mechanical Code**

(a) Except as otherwise provided by this Section, the International Mechanical Code, 2015 edition, as currently published by the International Code Council, Inc. and as currently filed in the office of the Secretary of the City of Lindale (“IMC”) is hereby adopted as the Mechanical Code for the City of Lindale. Except as otherwise provided by this Section, each and every term, regulation, provision, and penalty included in the IMC is adopted by reference as if copied herein and made a part of this Ordinance for all purposes.

(b) The following sections of the IMC are amended:

1. Section 101.1 of the IMC is amended to insert: The City of Lindale
2. Section 106.5 of the IMC is deleted and the following is inserted: “A permit shall not be issued until the appropriate fee for the permit has been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the mechanical system, has been paid.”
3. Section 106.5.2 of the IMC is deleted.
4. Section 106.5.3 of the IMC is deleted.
5. Section 108.4 of the IMC is deleted and the following is inserted: Violation Penalties “Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs mechanical work in violation of the approved construction documents or written directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine not to exceed two thousand (\$2,000.00) dollars for each offense. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”



6. Section 108.5 The last sentence of Section 108.5 of the IMC is deleted and the following is inserted: “Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be a guilty of a misdemeanor, punishable by a fine or not more than two thousand (\$2,000.00) dollars.”
7. Section 109 of the IMC is deleted and amended to add the following: “Any person adversely affected by a decision of the Building Official shall have the right to appeal the decision of the Building Official to the Municipal Court, provided a written Notice of Appeal is filed with the Clerk of the Municipal Court and served on the Building Official within 21 days after the day the decision of the Building Official is served on the party adversely affected.”

109.1 The Notice of Appeal shall include the name, address and telephone number of the person filing the appeal. The Notice of Appeal shall state the decision of the Building Official from which relief is requested, the relief requested, and describe in detail the facts supporting the relief requested.

109.2 The Clerk of the Court shall set a hearing on the appeal, to be held within 45 days after a timely Notice of Appeal is received by the Clerk. Notice of the hearing shall be served on the appellant at the address provided in the Notice of Appeal and on the Building Official not less than 14 days before the date set for the hearing.

109.3 The hearing shall be open to the public. The Appellant, the Building Official, and any one whose interests are adversely affected by the decision of the Building Official shall be given an opportunity to be heard.

109.4 At the conclusion of the hearing, the Municipal Court shall issue an order:

- (A) affirming the decision of the Building Official;
- (B) affirming the decision of the Building Official as modified by the Court; or
- (C) reverse the decision of the Building Official.

109.5 Subsections 109.1 through 109.4 shall not apply to an original criminal proceeding filed in the Municipal Court under Section 108.4 or 108.5 of the IMC or a civil adjudication proceeding to enforce the IMC filed by the City pursuant to Section 1-11 of this Ordinance or any other proceeding filed by the City pursuant to State or Federal law.

## **Section 1-6: The International Fire Code**

- (a) Except as otherwise provided by this Section, the International Fire Code, 2015 edition, including Appendix B Fire-Flow Requirements for Building; Appendix C Fire Hydrant Locations and Distribution; Appendix D Fire Apparatus Access Roads; Appendix F Hazard

Ranking; Appendix H Hazardous Materials Management Plan and Hazardous Materials Inventory Statement Instructions; Appendix I Fire Protection Systems- Noncompliant Conditions; Appendix K Construction Requirements for Existing Ambulatory Care Facilities; as currently published by the International Code Council, Inc. and as currently filed in the office of the Secretary of the City of Lindale ("IFC") is hereby adopted as the International Fire Code for the City of Lindale. Except as otherwise provided by this Section, each and every term, regulation, provision, and penalty included in the IFC is adopted by reference as if copied herein and made a part of this Ordinance for all purposes.

(b) The following sections of the IFC are amended:

1. Section 101.1 of the IFC is amended to insert: The City of Lindale
2. Section 108 of the IFC is deleted and amended to add the following: "Any person adversely affected by a decision of the Building Official shall have the right to appeal the decision of the Building Official to the Municipal Court, provided a written Notice of Appeal is filed with the Clerk of the Municipal Court and served on the Building Official within 21 days after the day the decision of the Building Official is served on the party adversely affected.

108.1 The Notice of Appeal shall include the name, address and telephone number of the person filing the appeal. The Notice of Appeal shall state the decision of the Building Official from which relief is requested, the relief requested, and describe in detail the facts supporting the relief requested.

108.2 The Clerk of the Court shall set a hearing on the appeal, to be held within 45 days after a timely Notice of Appeal is received by the Clerk. Notice of the hearing shall be served on the appellant at the address provided in the Notice of Appeal and on the Building Official not less than 14 days before the date set for the hearing.

108.3 The hearing shall be open to the public. The Appellant, the Building Official, and any one whose interests are adversely affected by the decision of the Building Official shall be given an opportunity to be heard.

108.4 At the conclusion of the hearing, the Municipal Court shall issue an order:

- (A) affirming the decision of the Building Official;
- (B) affirming the decision of the Building Official as modified by the Court; or
- (C) reverse the decision of the Building Official.

108.5 Subsections 108.1 through 108.4 shall not apply to an original criminal proceeding filed in the Municipal Court under Section 109.4 or 111.4 of the IBC or a civil adjudication proceeding to enforce the IFC filed by the City pursuant to Section 1-11 of this Ordinance or any other proceeding filed by the City pursuant to State or Federal law."

3. Section 109.4 of the IFC is deleted and the following is inserted: Violation Penalties “Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or does work in violation of the approved construction documents or written directive of the fire Building Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine not to exceed two thousand (\$2,000.00) dollars for each offense. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”
  4. Section 111.4 of the IFC is deleted and the following is inserted: “Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, punishable by a fine or not more than two thousand (\$2,000.00) dollars.”
- (c) The geographic limits referred to in the following sections of the IFC are hereby established as follows:
1. Section 5704.4 The storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited if within 1,000 feet of any residence, church or other place of worship and school.
  2. Section 5704.4.2 The storage of Class I and Class II liquids in above-ground tanks is prohibited if within 1,000 feet of any residence, church or other place of worship and school.
  3. Section 5806.2 The storage of flammable cryogenic fluids in stationary containers is prohibited if within 1,000 feet of any residence, church or other place of worship and school.
  4. Section 6104.3 The geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas is not applicable.

### **Section 1-7: The International Energy Conservation Code**

- (a) Except as otherwise provided by this Section, the International Energy Conservation Code, 2015 edition, as currently published by the International Code Council, Inc. and as currently filed in the office of the Secretary of the City of Lindale (“IECC”) is hereby adopted as the Energy Conservation Code for the City of Lindale. Except as otherwise provided by this Section, each and every term, regulation, provision, and penalty included in the IECC is adopted by reference as if copied herein and made a part of this Ordinance for all purposes.
- (b) The following sections of the IECC are amended:
  1. Section C101.1 of the IECC is amended to insert: The City of Lindale

2. Section C108.4 of the IECC is deleted and the following is inserted:  
Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, punishable by a fine or not more than two thousand (\$2,000.00) dollars.

3. Section C109 of the IECC is deleted and amended to add the following: “Any person adversely affected by a decision of the Building Official shall have the right to appeal the decision of the Building Official to the Municipal Court, provided a written Notice of Appeal is filed with the Clerk of the Municipal Court and served on the Building Official within 21 days after the day the decision of the Building Official is served on the party adversely affected.

C109.1 The Clerk of the Court shall set a hearing on the appeal, to be held within 45 days after a timely Notice of Appeal is received by the Clerk. Notice of the hearing shall be served on the appellant at the address provided in the Notice of Appeal and on the Building Official not less than 14 days before the date set for the hearing.

C109.2 The hearing shall be open to the public. The Appellant, the Building Official, and any one whose interests are adversely affected by the decision of the Building Official shall be given an opportunity to be heard

C109.3 At the conclusion of the hearing, the Municipal Court shall issue an order:

- (A) affirming the decision of the Building Official;
- (B) affirming the decision of the Building Official as modified by the Court; or
- (C) reverse the decision of the Building Official."

4. Section R101.1 of the IECC is amended to insert: The City of Lindale

5. Section R108.4 of the IECC is deleted and the following is inserted:  
Failure to comply. “Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, punishable by a fine or not more than two thousand (\$2,000.00) dollars.”

6. Section R109 of the IECC is deleted and amended to add the following: “Any person adversely affected by a decision of the Building Official shall have the right to appeal the decision of the Building Official to the Municipal Court, provided a written Notice of Appeal is filed with the Clerk of the Municipal Court and served on the Building Official within 21 days after the day the decision of the Building Official is served on the party adversely affected.”

R109.1 The Notice of Appeal shall include the name, address and telephone number of the person filing the appeal. The Notice of Appeal shall state the decision of the Building Official from which relief is requested, the relief requested, and describe in detail the facts supporting the relief requested.

R109.2 The Clerk of the Court shall set a hearing on the appeal, to be held within 45 days after a timely Notice of Appeal is received by the Clerk. Notice of the hearing shall be served on the appellant at the address provided in the Notice of Appeal and on the Building Official not less than 14 days before the date set for the hearing.

R109.3 The hearing shall be open to the public. The Appellant, the Building Official, and any one whose interests are adversely affected by the decision of the Building Official shall be given an opportunity to be heard.

R109.4 At the conclusion of the hearing, the Municipal Court shall issue an order:

- (A) affirming the decision of the Building Official;
- (B) affirming the decision of the Building Official as modified by the Court; or
- (C) reverse the decision of the Building Official."

#### **Section 1-8: The International Existing Building Code**

(a) Except as otherwise provided by this Section, the International Existing Building Code, 2015 edition, as currently published by the International Code Council, Inc. and as currently filed in the office of the Secretary of the City of Lindale ("IEBC") is hereby adopted as the Existing Building Code for the City of Lindale. Except as otherwise provided by this Section, each and every term, regulation, provision, and penalty included in the IEBC is adopted by reference as if copied herein and made a part of this Ordinance for all purposes.

(b) The Following sections of the IEBC are amended:

1. Section 101.1 of the IEBC is amended to insert: The City of Lindale
2. Section 112 of the IEBC is deleted and amended to add the following: "Any person adversely affected by a decision of the Building Official shall have the right to appeal the decision of the Building Official to the Municipal Court, provided a written Notice of Appeal is filed with the Clerk of the Municipal Court and served on the Building Official within 21 days after the day the decision of the Building Official is served on the party adversely affected."

112.1 The Notice of Appeal shall include the name, address and telephone number of the person filing the appeal. The Notice of Appeal shall state the decision of the Building Official from which relief is requested, the relief requested, and describe in detail the facts supporting the relief requested.

112.2 The Clerk of the Court shall set a hearing on the appeal, to be held within 45 days after a timely Notice of Appeal is received by the Clerk. Notice of the hearing shall be served on the appellant at the address provided in the Notice of Appeal and on the Building Official not less than 14 days before the date set for the hearing.

112.3 The hearing shall be open to the public. The Appellant, the Building Official, and any one whose interests are adversely affected by the decision of the Building Official shall be given an opportunity to be heard.

112.4 At the conclusion of the hearing, the Municipal Court shall issue an order:

- (A) affirming the decision of the Building Official;
- (B) affirming the decision of the Building Official as modified by the Court; or
- (C) reverse the decision of the Building Official."

112.5 Subsections 112.1 through 112.4 shall not apply to an original criminal proceeding filed in the Municipal Court under Section 113.4 or 114.3 of the IEBC or a civil adjudication proceeding to enforce the IEBC filed by the City pursuant to Section 1-11 of this Ordinance or any other proceeding filed by the City pursuant to State or Federal law."

3. Section 113.4 of the IEBC is deleted and the following is inserted: Violation Penalties "Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or does work in violation of the approved construction documents or written directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine not to exceed two thousand (\$2,000.00) dollars for each offense. Each day that a violation continues after due notice has been served shall be deemed a separate offense."
4. Section 114.3 of the IEBC is deleted and the following is inserted: "Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, punishable by a fine or not more than two thousand (\$2,000.00) dollars."
5. Section 1401.2 Applicability. insert "the effective date of this ordinance"

### **Section 1-9: The International Property Maintenance Code**

- (a) Except as otherwise provided by this Section, the International Property Maintenance Code, 2015 edition, as currently published by the International Code Council, Inc. and as currently filed in the office of the Secretary of the City of Lindale ("IPMC") is hereby adopted as the Property Maintenance Code for the City of Lindale. Except as otherwise provided by this Section, each

and every term, regulation, provision, appendix, and penalty included in the IPMC is adopted by reference as if copied herein and made a part of this Ordinance for all purposes.

(b) The following sections of the IPMC are amended:

1. Section 101.1 of the IPMC is amended to insert: The City of Lindale
2. Section 103.5 of the IPMC is amended to incorporate the following schedule

Razing of any structure	The actual cost charged to the City plus 10%
Major Equipment (Tractor/mower)	\$75 / hr. x (number of equip used) = \$ per hr.
Equipment operators or laborers	\$60 / hr. x (number of men used) = \$ per hr.
Fee for transporting waste to the landfill	\$100 per trip
Appliance/furniture/junk/rubbish	\$25 per item
Tire disposal	\$25 per tire
Battery disposal	\$25 per battery
Late fee for failure to pay bill within 30 days	\$100

3. Section 106.4 of the IPMC is deleted and the following is inserted: "106.4 Violation penalties. It is an offense for a person to:
  - (A) violate a provision of this code;
  - (B) fail to comply with any of the requirements of this code; or
  - (C) erect, construct, alter, or repair a building or structure in violation of:
    - (1) the approved construction documents;
    - (2) a written directive of the Building Official; or
    - (3) a permit or certificate issued under the provisions of this code.

A person who commits an offense under this section is guilty of a Class C misdemeanor punishable by a fine not to exceed \$2,000.00 per offense. Each day a person violates this section is a separate offense. Proof of a culpable mental state is not required for conviction under this section.

4. Section 111 of the IPMC is deleted and amended to add the following: "Any person adversely affected by a decision of the Building Official shall have the right to appeal the decision of the Building Official to the Municipal Court, provided a written Notice of Appeal is filed with the Clerk of the Municipal Court and served on the Building Official within 21 days after the day the decision of the Building Official is served on the party adversely affected."

111.1 The Notice of Appeal shall include the name, address and telephone number of the person filing the appeal. The Notice of Appeal shall state the decision of the Building Official from which relief is requested, the relief requested, and describe in detail the facts supporting the relief requested.

111.2 The Clerk of the Court shall set a hearing on the appeal, to be held within 45 days after a timely Notice of Appeal is received by the Clerk. Notice of the hearing shall be served on the appellant at the address provided in the Notice of Appeal and on the Building Official not less than 14 days before the date set for the hearing.

111.3 The hearing shall be open to the public. The Appellant, the Building Official, and anyone whose interests are adversely affected by the decision of the Building Official shall be given an opportunity to be heard.

111.4 At the conclusion of the hearing, the Municipal Court shall issue an order:

- (A) affirming the decision of the Building Official;
- (B) affirming the decision of the Building Official as modified by the Court; or
- (C) reverse the decision of the Building Official."

111.5 Subsections 112.1 through 112.4 shall not apply to an original criminal proceeding filed in the Municipal Court under Section 106.4 or 112.4 of the IPMC or a civil adjudication proceeding to enforce the IPMC filed by the City pursuant to Section 1-11 of this Ordinance or any other proceeding filed by the City pursuant to State or Federal law."

5. Section 112.4 of the IPMC is deleted and the following is inserted:  
112.4 Failure to Comply. "Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C misdemeanor, punishable by a fine or not more than two thousand (\$2,000.00) dollars. Each day a person violates this section is a separate offense."
6. Section 304.14 the following dates are inserted January 1<sup>st</sup> to December 31<sup>st</sup>
7. Section 602.3 the following dates are inserted January 1<sup>st</sup> to December 31<sup>st</sup>
8. Section 602.4 the following dates are inserted January 1<sup>st</sup> to December 31<sup>st</sup>

## **Section 1-10            The International Swimming Pool and Spa Code**

- (a) Except as otherwise provided by this Section, the International Swimming Pool and Spa Code, 2015 edition, as currently published by the International Code Council, Inc. and as currently filed in the office of the Secretary of the City of Lindale ("ISPSC") is hereby adopted as the Swimming Pool and Spa Code for the City of Lindale. Except as otherwise provided by this Section, each and every term, regulation, provision, appendix, and penalty included in the ISPSC is adopted by reference as if copied herein and made a part of this Ordinance for all purposes.
- (b) The following sections of the ISPSC are amended:



1. Section 101.1 of the ISPSC is amended to insert: The City of Lindale
2. Section 107.4 of the ISPSC is deleted and the following is inserted: Violation Penalties.  
“Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or does work in violation of the approved construction documents or written directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine not to exceed two thousand (\$2,000.00) dollars for each offense. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”
3. Section 107.5 of the ISPSC is deleted and the following is inserted: “Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, punishable by a fine or not more than two thousand (\$2,000.00) dollars.”
4. Section 108 of the ISPSC is deleted and amended to add the following: “Any person adversely affected by a decision of the Building Official shall have the right to appeal the decision of the Building Official to the Municipal Court, provided a written Notice of Appeal is filed with the Clerk of the Municipal Court and served on the Building Official within 21 days after the day the decision of the Building Official is served on the party adversely affected.”

108.1 The Notice of Appeal shall include the name, address and telephone number of the person filing the appeal. The Notice of Appeal shall state the decision of the Building Official from which relief is requested, the relief requested, and describe in detail the facts supporting the relief requested.

108.2 The Clerk of the Court shall set a hearing on the appeal, to be held within 45 days after a timely Notice of Appeal is received by the Clerk. Notice of the hearing shall be served on the appellant at the address provided in the Notice of Appeal and on the Building Official not less than 14 days before the date set for the hearing.

108.3 The hearing shall be open to the public. The Appellant, the Building Official, and any one whose interests are adversely affected by the decision of the Building Official shall be given an opportunity to be heard.

108.4 At the conclusion of the hearing, the Municipal Court shall issue an order:

- (A) affirming the decision of the Building Official;
- (B) affirming the decision of the Building Official as modified by the Court; or
- (C) reverse the decision of the Building Official.

108.5 Subsections 108.1 through 108.4 shall not apply to an original criminal proceeding filed in the Municipal Court under Section 107.4 or 107.5 of the IBC or a civil adjudication proceeding to enforce the ISPSC filed by the City pursuant to Section 1-11 of this Ordinance or any other proceeding filed by the City pursuant to State or Federal law."

### **Section 1-11 Civil Adjudication Proceeding Before the Municipal Court**

- (a) **Civil Adjudication Proceeding Authorized:** If a person fails to comply with a notice of violation of the IBC, IRC, IPC, IFGC, IMC, IFC, IECC, IEBC, IPMC or the ISPSC then the City is authorized to file a civil adjudication proceeding in the Municipal Court.
  
- (b) **Notice of the Proceeding:**
  - (1) The Building Official shall issue a notice of hearing before the Municipal Court.
  
  - (2) The Notice of hearing shall be served on each owner and lienholder of record, of the building, structure, or property, at least ten days prior to the hearing date. The notice may be served either personally or by certified mail with return receipt requested. The executed return receipt shall be prima facie evidence of service.
  
  - (3) The notice of hearing shall be posted on or near the front door of the building or structure at least ten days prior to the hearing date.
  
  - (4) The notice of hearing shall be published in a newspaper of general circulation in the City on or before the 10th day before the date fixed for the hearing.
  
  - (5) The notice of hearing may also be filed in the official records of Smith County.
  
- (c) **The notice of hearing shall include:**
  - (1) the date, time and location of the hearing before the Municipal Court;
  
  - (2) the name and address of each owner and lienholder of record, of the building, structure, or property and the name and address of the person responsible for the violation, if not the owner or lienholder of record;
  
  - (3) the location of the property;
  
  - (4) a copy of the notice of violation of the IBC, IRC, IPC, IFGC, IMC, IFC, IECC, IEBC, IPMC or the ISPSC;
  
  - (5) notice that:

(A) the Municipal Court may enter an order following the hearing which requires the owner and any other person responsible for the violation to restrain, correct or abate the violation; and

(B) if the owner or person responsible for the violation fails to comply with a final order of the Municipal Court then the City may act to abate the violation at the expense of the owner and person responsible for the violation and impose a lien on the property for expenses incurred by the City.

(d) Agreed Order to restrain, correct, or abate a violation.

(1) At any time before the Municipal Court concludes a proceeding, the owner and any other person responsible for the violation and the City may enter into an agreement to restrain, correct or abate the violation. If the agreement provides for a building or structure to be demolished or removed then the agreement shall be signed by all record owners and lienholders.

(2) An agreement under subsection (1) shall include the following provisions:

(A) waiver of the right to a hearing before the Municipal Court;

(B) consent to the entry of an order of the Municipal Court approving the agreement as the order of the Court and waiving any right of appeal;

(C) a stipulation acknowledging the violation;

(D) a detailed description of the action required to restrain, correct, or abate the violation;

(E) the deadline for the violation to be restrained corrected or abated;

(F) the name, address and telephone number of the owner and any other person responsible for making sure that the violation is restrained, corrected or abated on or before the deadline;

(G) a stipulation that if the violation is not restrained, corrected or abated on or before the deadline, the City may restrain, correct or abate the violation at the expense of the owner and any other person responsible for the violation and impose a lien on the property for the expenses incurred; and

(H) such other terms and conditions as the parties deem appropriate.

(3) The entry of an order of the Municipal Court approving an agreement under this section is a final order of the Court. If the owner and any other person responsible for the

violation fails to comply with the terms of the agreement as ordered by the Court then the City may enforce the Court's order under Section 1-11(H) of this Ordinance.

(e) Rules of Procedure.

The Municipal Court shall adopt appropriate rules of procedure not inconsistent with this ordinance. The rules shall establish procedures for use in hearings, providing ample opportunity for presentation of evidence and testimony by respondents or persons opposing charges brought by the City or its officials relating to alleged violations of the IBC, IRC, IPC, IFGC, IMC, IFC, IEEC, IEBC or the IPMC.

(f) Hearing and Order of the Municipal Court

(1) At any time prior to the conclusion of a hearing under this section, the Municipal Court may enter an order approving an agreement between the owner and the City to restrain, correct, or abate a violation pursuant to Section 1-11(d).

(2) In the absence of an agreement to restrain, correct or abate a violation, the Municipal Court shall conduct a hearing. The hearing shall be open to the public. The Municipal Court may administer oaths and compel the attendance of witnesses. The Municipal Court shall keep records of its official actions.

(3) After the conclusion of the hearing, if the Court finds that there is a violation of the IBC, IRC, IPC, IFGC, IMC, IFC, IEEC, IEBC, or the IPMC then the Court shall enter an order:

(A) describing in detail the action required to restrain, correct or abate each violation;

(B) the deadline for restraining, correcting or abating each violation;

(C) the name, address and telephone number of the owner and any other person responsible for restraining, correcting or abating each violation on or before the deadline;

(D) authorizing the City to restrain, correct or abate the violation at the expense of the owner and any other person responsible for the violation and impose a lien on the property for the expenses incurred, if it is not restrained, corrected or abated by the owner or other person responsible for the violation, on or before the deadline; and

(E) such other item and conditions as the Municipal Court deems appropriate.

(g) Within fourteen days after the hearing is concluded, the Court shall:

(1) Send a copy of the Court's order by regular mail to all parties who appeared at the hearing, any other owners and lienholders of record of the property, and any other person responsible for the violation, and advise them of their right of appeal; and

(2) Send notice by regular mail to each owner of record of the property and any other person responsible for the violation, advising them that a civil penalty of up to two thousand dollars (\$2,000.00) per day may be imposed against the owner or other person responsible for the violation, for each day that the owner or other person responsible for the violation fails to comply with a final order of the Court.

(h) If, after notice and opportunity for a hearing as provided in this subsection, the Municipal Court determines that a person has failed to comply with an order of the Court to enforce this Ordinance as amended herein, then the Court may assess a civil penalty, not to exceed two thousand dollars (\$2,000.00) per day for each day that the person continues to violate this Ordinance by failing to comply with the Court's order.

(1) A citation shall be issued by the Municipal Court, notifying the person charged with continuing to violate this Ordinance by failing to comply with the Court's order, of the person's right to a hearing. The citation shall state the date, time and place of the hearing. A copy of the citation be kept as a record in the ordinary course of business of the City and is rebuttable proof of the facts it states.

(2) A person charged with continuing to violate this Ordinance by failing to comply with the Court's order, who fails to appear at the hearing is considered to admit liability for the violation charged.

(3) At a hearing under this section, the Municipal Court shall issue an order stating:  
(A) whether the person charged with violating the ordinance is liable for the violation;  
and  
(B) the amount of the penalty assessed against the person.

(4) An assessment of a civil penalty by the Municipal Court as provided in this Section is final and binding and constitutes prima facie evidence of the penalty in any court of competent jurisdiction in a civil suit brought by the city for final judgment.

(5) To enforce any civil penalty as assessed hereunder, a certified copy of the Municipal Court's order establishing the amount and duration of the civil penalty shall be filed with the district clerk's office or with the clerk of the county court at law. No other proof is required for a district court or county court at law to enter final judgment on said penalty.

(i) Appeal

A person ordered to restrain, correct, or abate a violation under this Section shall have the right to appeal the decision of the Municipal Court to the District Court in Smith County, Texas. A notice of appeal must be filed with the Clerk of the District Court within twenty-one (21) days

from the date the Municipal Court's order is mailed as provided in Section 1-11(g) (1). If the Municipal Court's decision is not appealed within the required period, the decision of the Municipal Court is, in all things, final and binding.

**Section 1-12: Remedies Cumulative**

- (a) The remedies and penalties provided in this ordinance are not exclusive but are cumulative of and in addition to all other remedies at law or equity to which the City may be entitled under local, State or Federal law.
- (b) Nothing contained in this ordinance shall limit or restrict the jurisdiction of The Municipal Court to hear and determine any proceeding which is authorized under any other ordinance or by State or Federal law regarding the subject matter of this ordinance.

**Section 1-13: Section 1-13 No Personal Liability and Limited Immunity**

- (a) Any person charged with enforcement of this ordinance while acting in good faith to enforce this ordinance, shall not thereby render himself or herself liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any such act under this ordinance. Any suit brought against an officer, employee or representative of the City because of an act performed in the enforcement of this ordinance shall be defended by the City, at the City's expense, until the final determination of the proceedings.
- (b) Any person charged with enforcement of this ordinance does not commit an offense under this ordinance, as long as the person was acting in good faith to enforce this ordinance.

Section 1-14 – 1-20 Reserved.

**Article 2 REGISTRATION OF CONTRACTORS**

**Section 2-1 Registration Required**

A general contractor, electrical contractor, plumbing contractor, irrigation contractor, mechanical contractor or other contractor shall not work or cause any work to be performed within the City of Lindale unless the contractor is registered with the city.

**Section 2-2 Procedure for Registering**

- (a) A contractor who is required by this Article to register with the City of Lindale shall file an Application for Registration with the Building Official together with the appropriate fee.
- (b) The Application for Registration shall be on a form furnished by the Building Official and shall include the date, the name, address, and the telephone number of the applicant, the name, address and telephone number of the applicant's employer, the type of work to be performed

by the applicant and shall be signed by the applicant. The Application for Registration shall be accompanied by a copy of the contractor's current license and any insurance policies or bonds required by State law.

- (c) The Building Official shall examine or cause to be examined the Application for Registration and accompanying documents within a reasonable time after filing. If the application and accompanying documents conform to the requirements of this Article then the applicant shall be issued a Certificate of Registration. If the application and accompanying documents do not conform to the requirements of this Article then the applicant shall be notified in writing that the application has been rejected, stating the reasons therefore.

### **Section 2-3 Expiration of Certificate of Registration**

Except as otherwise provided by this Article all registrations issued shall expire at 12:00 midnight, one year from date of issuance, and shall be renewed on or before such date by payment of the prescribed fee.

### **Section 2-4 Failure to Comply with Laws Governing Construction Standards**

The Building Official may revoke or cancel a contractor's Certificate of Registration if the contractor fails to comply with the requirements of this ordinance or any other ordinance or State or Federal law governing construction standards in the City of Lindale, after the contractor has been provided written notice of the violation and given a reasonable opportunity to comply with the ordinance, State or Federal law.

Sections 2-5—2-10 Reserved.

## **ARTICLE 3 FEES**

### **Section 3-1 Building Permits**

(a) The fee for each building permit shall be as follows:

1. For new construction, industrial or commercial the fee is \$.25 per square foot under roof with a \$100.00 minimum
2. For new construction, residential the fee is \$.20 per square foot under roof with a \$100.00 minimum
3. For residential remodel work including swimming pools the fee is \$30.00 plus \$6.00 per \$1,000 remodel value or fraction thereof

4. For commercial or industrial remodel work the fee is \$80.00 plus \$6.00 per \$1,000.00 remodel value or fraction thereof
5. Utility Construction the fee is \$25.00 + \$5.00 per \$1,000 valuation based on contract job cost.
6. Demolition permits for Residential \$75.00 and Commercial \$125.00
7. For patios, and decks not exceeding 200 square feet, and not more than 30 inches above grade at any point, are not attached to a dwelling do not serve exit door requirements the fee is \$40.00.
8. For a one story detached accessory buildings and carports more than 200 square feet the fee is \$40.00 if over 200 square feet the new residential construction fees apply.
9. For a fence permit the fee is \$20.00 and if over 6ft the fee is \$40.00.
10. For residential roof the fee is \$.05 per square foot with a \$100.00 minimum.
11. For commercial roof, the fee is \$.10 per square foot with a \$100.00 minimum.
12. For retaining walls more than four feet high measured from the bottom of the footing to the top of the wall the fee is \$55.00 plus the cost of any inspections performed by an engineer.
13. For sidewalks and driveways, any curb cuts and for all other structures not otherwise provided for in this subsection the fee is \$40.00.
14. "Remodel work" as used in this subsection includes but is not limited to an addition to an existing building, replacement of a roof and construction of a swimming pool.
15. "Remodel value" as used in this subsection means the estimated cost of the project including materials and labor.
16. When work involves remodel and new construction, the fee for the remodel will be based upon the remodel value and the fee for new construction shall be based upon square footage.
17. For a Grading permit the fee is \$200.00.
18. For a House moving permit the fee \$50.00.

(b) The following additional fees shall be paid promptly:



1. If the construction plans are reviewed by a third party then a fee equal to the sum of the actual cost of the review plus an administrative fee equal to 10% of the cost of the review.
  2. If an inspection is performed by a third party then a fee equal to the sum of the actual cost of the inspection plus an administrative fee equal to 10% of the cost of the inspection.
  3. If the Building Official is required to perform a re-inspection then a fee of \$25.00 for the first re-inspection, \$50.00 for the second re-inspection and \$100.00 for each additional re-inspection.
  4. If the Building Official performs an inspection before 8 a.m. or after 5:00 p.m. at the request of the permit holder then a fee of \$50.00 per hour with a minimum of \$100.00.
- (c) The fee for residential or commercial Certificate of Occupancy is \$80.00. Clean and Show (no occupancy allowed) fee is \$40.00.
- (d) If an electrical, plumbing or mechanical permit is required then the appropriate fee for the electrical, plumbing or mechanical permit must be paid in addition to the fee for the building permit.

**Section 3-2                      Electrical Permits**

- (a) The fee for each electrical permit shall be as follows:
1. For new construction, industrial or commercial the fee is \$.08 per square foot under roof with a \$60.00 minimum
  2. For new construction, residential the fee is \$.06 per square foot under roof with a \$30.00 minimum
  3. For residential remodel work the fee is \$30.00 plus \$6.00 per \$1,000 remodel value or fraction thereof
  4. For commercial or industrial remodel work the fee is \$60.00 plus \$6.00 per \$1,000 remodel value or fraction thereof
- (b) The following additional fees shall be paid promptly:

1. If an inspection is performed by a third party then a fee equal to the sum of the actual cost of the review plus an administrative fee equal to 10% of the cost of the inspection.
2. If the Building Official is required to perform a re-inspection then a fee of \$25.00 for the first re-inspection, \$50.00 for the second re-inspection and \$100.00 for each additional re-inspection.
3. If the Building Official performs an inspection before 8 a.m. or after 5:00 p.m. at the request of the permit holder then a fee of \$50.00 per hour with a minimum of \$100.00

**Section 3-3 Plumbing Permits**

(a) The fee for each plumbing permit shall be as follows:

\$7.00 each fixture \$60.00 Minimum			
Water closet	Sink/Mop Sink	Lavatory	Laundry or wash tray
Bathtub	Shower	Grease trap	Drinking fountain
Urinal	Floor drain	Beer or soda bar	Washing machine con.
Wall/ Water heater	Sewer service	Water service	Gas opening

1. For residential remodel work the fee is \$30.00 plus \$6.00 per \$1,000 remodel value or fraction thereof
2. For commercial or industrial remodel work the fee is \$60.00 plus \$6.00 per \$1,000 remodel value or fraction thereof
3. For an irrigation system, the fee is \$75.00.
4. Gas line pressure test, the fee is \$25.00

(b) The following additional fees shall be paid promptly:

1. If an inspection is performed by a third party then a fee equal to the sum of the actual cost of the review plus an administrative fee equal to 10% of the cost of the inspection.
2. If the Building Official is required to perform a re-inspection then a fee of \$25.00 for the first re-inspection, \$50.00 for the second re-inspection and \$100.00 for each additional re-inspection.
3. If the Building Official performs an inspection before 8 a.m. or after 5:00 p.m. at the request of the permit holder then a fee of \$50.00 per hour with a minimum of \$100.00.

**Section 3-4 Mechanical Permits**

(a) The fee for each mechanical permit shall be as follows:

1. For new construction, industrial or commercial the fee is \$.08 per square foot under roof with a \$60.00 minimum
2. For new construction, residential the fee is \$.06 per square foot under roof with a \$60.00 minimum
3. For residential remodel work the fee is \$30.00 plus \$6.00 per \$1,000 remodel value or fraction thereof
4. For commercial or industrial remodel work the fee is \$60.00 plus \$6.00 per \$1,000 remodel value or fraction thereof

(b) The following additional fees shall be paid promptly:

1. If an inspection is performed by a third party then a fee equal to the sum of the actual cost of the review plus an administrative fee equal to 10% of the cost of the inspection.
2. If the Building Official is required to perform a re-inspection then a fee of \$25 for the first re-inspection, \$50.00 for the second re-inspection and \$100.00 for each additional re-inspection.
3. If the p Building Official performs an inspection before 8 a.m. or after 5:00 p.m. at the request of the permit holder then a fee of \$50.00 per hour with a minimum of \$100.00

**Section 3-5 Fire Protection Systems**

(a) The fee for each fire protection system permit shall be as follows:

1. For new construction and/or remodel, residential, industrial or commercial the fee is \$80.00 for the first 25 sprinkler heads and \$.30 per each additional head
2. For new construction and/or remodel grease exhaust hood (only) \$150.00
3. Automatic fire extinguishing system \$100.00

(b) The following additional fees shall be paid promptly:

1. If an inspection is performed by a third party then a fee equal to the sum of the actual cost of the review plus an administrative fee equal to 10% of the cost of the inspection.

2. If a fire inspection is requested in order to obtain or maintain compliance with other local, State or Federal Agencies a fee of \$25.00 is required.
3. If the Building Official is required to perform a re-inspection then a fee of \$25.00 for the first re-inspection, \$50.00 for the second re-inspection and \$100.00 for each additional re-inspection.
4. If the Building Official performs an inspection before 8 a.m. or after 5:00 p.m. at the request of the permit holder then a fee of \$50.00 per hour with a minimum of \$100.00.

**Section 3-6 Contractor Registration**

The annual fee for each certificate of registration for a contractor is \$100.00

**Section 3-7 Fees Non-Refundable**

All fees paid pursuant to this Article are non-refundable

Section 3-8—3-10 Reserved

**ARTICLE 4 GENERAL ADMINISTRATIVE PROVISIONS**

**Section 4-1 Repeal of Prior Ordinances in Conflict**

Ordinance No. 01-2001, Ordinance No. 07-2004, Ordinance No. 24-2004, Ordinance No. 15-2013 and Ordinance No. 8-2016 of the City of Lindale, Texas and all other prior ordinances or parts of prior ordinances that conflict with this Ordinance are hereby repealed to the extent of the conflict.

**Section 4-2 Preservation of Existing Rights and Remedies**

Nothing in the Ordinance or in the, IBC, IRC, IPC, IFGC, IMC, IFC, IECC, IEBC, IPMC or the ISPSC shall be construed to affect any suit or proceeding pending in a court of competent jurisdiction, or any rights, liabilities, cause of action or remedy acquired or existing under any ordinance hereby repealed.

**Section 4-3 Validity**

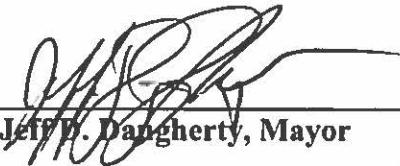
If any section or provision of this Ordinance or the application of this Ordinance to any person or circumstance is held to be invalid or unenforceable by a court of competent jurisdiction then the

judgment of the court shall not affect the remaining portions of this Ordinance which are not in conflict with the invalidated or unenforceable section or provision.

**Section 4-4 Declaration of Emergency**

The City Council finds that the existing ordinances governing buildings and other structures in the City of Lindale are insufficient and create a risk to the general health, safety and welfare of citizens residing within the City of Lindale that constitutes an emergency. Accordingly, this Ordinance shall be effective from and after its passage and publication as required by law.  
Section 4-5 — 4-10 Reserved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LINDALE TEXAS ON THIS 20 DAY OF March, 2018.

  
\_\_\_\_\_  
Jeff B. Daugherty, Mayor

ATTEST:  
  
\_\_\_\_\_  
Michelle Phillips, City Secretary