

## Chapter 18

### **BUILDINGS AND BUILDING REGULATIONS\***

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- Secs. 18-86—18-113. Reserved.

**\*State law references**—Municipal regulation of housing and other structures, V.T.C.A., Local Government Code § 214.001 et seq.; International Residential Code, V.T.C.A., Local Government Code § 214.212; National Electrical Code applicable statewide for construction, V.T.C.A., Local Government Code § 214.214; municipal authority concerning swimming pool enclosures, V.T.C.A., Local Government Code § 214.101; standards for public pools and spas, 25 Tex. Admin. Code § 265.181 et seq.

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- Sec. 18-221. Effect of article on other laws.
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### Article IX. Residential Code

- Sec. 18-236. [Residential code adopted.]

## BUILDINGS AND BUILDING REGULATIONS

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### **Article X. Energy Conservation Code**

Sec. 18-251. [Energy conservation code adopted.]

Secs. 18-252—18-265. Reserved.

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Sec. 18-266. [Property maintenance code adopted.]

Secs. 18-267—18-280. Reserved.

### **Article XII. National Electrical Code**

Sec. 18-281. Code adopted.

Sec. 18-282. Local amendments to the 2014 National Electrical Code.

Sec. 18-283. Penalty.



**ARTICLE I. IN GENERAL**

**Sec. 18-1. Primary fire zone established.**

The following are hereby declared to be the primary fire limits:

Beginning at new city block 20	Lots 4, 5, 6
New city block 17	Lots 4, 5, 6, 7, 8, 9
New city block 14	Lots 7, 8, 9, 10, 11, 12
New city block 4	Lots 1, 2
New city block 3	Lots 1—9
New city block 2	Lots 1—9
New city block 1	Lots 1—6
New city block 30	Lots 1—12
New city block 32	Lots 1—7, 10, 11
New city block 34	Lots 1, 4, 5, 8, 9, 12
New city block 35	Lots 1, 4, 5, 8, 9, 12
New city block 19	Lots 1—12
All of blocks 13, 16, 33, 31	

(Code 1972, § 5-1; Ord. No. 18, § 1, 12-22-1952)

**Sec. 18-2. Secondary fire limits established.**

The following are hereby declared to be the secondary fire limits: from Highway 173 south on Transportation Drive to Herring Street, and including all property fronting on Transportation Drive and with the west boundary being the railroad tracks.

(Code 1972, § 5-2; Ord. of 4-10-1967, § 2)

**Sec. 18-3. Permit for moving buildings into or within fire limits, generally.**

(a) No building shall be moved into the fire limits, or from one location to another within the fire limits, without first receiving a permit from the building inspector issued therefor.

(b) No permit shall be issued unless the construction of such building is in accordance with the provisions of this chapter.

(Code 1972, § 5-3; Ord. No. 18, § 2, 12-22-1952)

**Sec. 18-4. Fences required for swimming pools.**

(a) The owners of all swimming pools, whether public or private, located within the corporate limits of the city, shall be required to erect and maintain a substantial fence enclosing the same, such fence to be not less than 42 inches in height, and of such material and type as to discourage children from entering the pool area, and to prevent accidental drowning.

(b) Failure to comply with the requirements outlined in subsection (a) of this section shall be deemed a misdemeanor. Each successive day of such failure to comply shall constitute a separate violation.

(Code 1972, § 11-4; Ord. No. 36, §§ 1, 3, 2-16-1960)

**Sec. 18-5. Drilling of private water wells; specific uses; prohibited connections; setback requirements.**

(a) The drilling of private water wells within the city limits of the city shall be allowed.

(b) Water from a private well may only be used for the following: irrigating yards, gardens and trees, and watering any domestic animal lawfully within the city limits.

(c) This section shall not apply to any water wells drilled by the city.

(d) No water lines from a private well may be connected to any water line which is connected to a city water line.

(e) All aboveground equipment connected with the private water wells must be to the rear of the front building line.

(f) Any water well drilled must be set back from property lines in accordance with existing ordinances.

(g) One drilling a private water well must obey all applicable state and federal statutes, rules and regulations.

(h) Any person having a water well within the city limits prior to the date of this section shall have nonconforming use, but at such time as the use of such water well is discontinued, or abandoned, or in the event that any such water well shall become inoperative, such nonconforming use shall terminate and the property upon which such water well is located shall only be used for a conforming use and water shall be furnished to such property by way of the municipal waterworks of the city.

(i) A well drilling permit in a form prescribed by the city secretary shall be required before a private well can be drilled within the city limits. Either the property owner or the well driller may take out the permit, however they both shall be equally liable for penalties if a well is drilled without a permit. An appropriate inspection fee shall be paid.

(j) After the well is completed the owner shall file with the city a description of the well that will include location, depth, diameter of well casing and other information as prescribed on the well completion form. The information will be furnished within 30 days of well completion.

(k) The fee for a well drilling permit is \$30.00 and the inspection fee is \$20.00. The city council may from time to time change the permit and inspection fee.

(l) Before a well is inspected and permits issued, either the well driller or the property owner must install equipment sufficient to prevent the backflow of water through the meter. The equipment must meet criteria established by the public works director as approved by the

city administrator. The property owner or well driller may request that the city install a backflow prevention device at the cost of the property owner/well driller, said cost to be set periodically by the public works director as approved by the city administrator.

(m) As a condition of issuing the permit for the well, the property owner shall grant the perpetual right of entry on the property for the purpose of periodic inspection by the city of private well for possible cross-connections and failure of the backflow prevention equipment.

(n) Any person who violates any of the provisions of this section shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine of up to \$2,000.00.  
(Code 1972, § 11-9.1; Ord. No. 11-75, §§ 2, 3, 11-11-1975; Ord. No. 7-84B, §§ 1—6, 7-3-1984; Ord. No. 1-89, 1-17-1989; Ord. No. 6-95A, § 1, 6-20-1995)

#### **Sec. 18-6. Underground utility installation.**

(a) Utility contractors shall follow these specifications for backfilling any ditches which have been opened across any hard surfaced area such as driveways, streets and parking lots. The ditches shall be backfilled, watered and tamped to within eight inches of the surrounding surface and then topped with concrete to not less than 1½ inches from the top of the surrounding surface. The final layer shall be compacted with the same material as the surrounding surface and leveled with the surrounding surface.

(b) Underground utilities shall be buried not less than 24 inches below the surface and shall be placed below existing city utilities when such utility lines are crossed.

(c) No ditch shall be allowed to remain open longer than ten days.

(d) Every worksite shall be satisfactorily cleaned by the contractor and any duly authorized agent or employee of the city may inspect utility worksites to determine compliance with this section.

(e) No contractor shall allow any connected utility lines or cables to remain aboveground without the express permission of the city secretary or the utility department head. No temporary cable line or connection shall be allowed to remain longer than 30 days from the date first connected.

(f) Utility contractors shall immediately report any damage to private or public property to the business office of the city and a qualified city employee will inspect the damage. If the city inspector determines that the contractor is capable of repairing the damage in a workmanlike manner, the contractor shall do so under the supervision of the city inspector. If the city inspector determines that the contractor is not capable of repairing the damage to the inspector's satisfaction, the city shall repair the damage at the contractor's expense.  
(Code 1972, § 11-13; Ord. No. 12-83B, 12-20-1983)

**Secs. 18-7—18-24. Reserved.**

**ARTICLE II. BUILDING CODE**

**Sec. 18-25. Definition.**

Whenever the term "building official" is used in any technical code administered by the city, it shall mean the building inspector of this city. The code enforcement officer of the city has the duties and powers of the building inspector.

(Code 1972, § 5-16; Ord. No. 9-82C, § 3, 9-21-1982; Ord. No. 1-87B, § 3, 1-20-1987)

**Sec. 18-26. Inspection by authorized city officials.**

Any duly authorized agent of the city shall have the right to inspect the premises where any proposed construction is to be commenced, or to inspect the construction to determine the compliance with this article.

(Code 1972, § 5-17; Ord. of 1-13-1959, § 4)

**Sec. 18-27. Permit for construction, alteration, etc.**

(a) No wall, structure, building or part thereof shall be built, enlarged or altered until a plan of the proposed work, together with a statement of material to be used, is submitted to the building inspector and a permit is received for such work from the building inspector.

(b) If the building inspector is satisfied that the proposed construction is in accord with the provisions of this article and with state law, he shall issue the permit in writing for such work.

(c) Such permits shall be made in triplicate and kept on file by the city secretary.  
(Code 1972, § 5-18; Ord. No. 18, § 2, 12-22-1952; Ord. of 1-13-1959, § 2)

**Sec. 18-28. Building permit fees.**

Building permit fees and criteria shall be as established from time to time by ordinance.  
(Code 1972, § 5-19)

**Sec. 18-29. Removal of certain damaged buildings within fire limits required.**

Any existing building within the fire limits of the city which may be damaged by fire, decay or otherwise, to an amount greater than 50 percent of its present value, exclusive of the foundation, shall not be repaired or rebuilt, but shall be removed.

(Code 1972, § 5-20; Ord. No. 18, § 6, 12-22-1952)

**Sec. 18-30. Compliance with article for extension, remodeling, etc., of buildings within fire limits.**

Extensions, remodeling and additions to buildings within the fire limits shall not be considered repairs and shall conform to the provisions of this article.

(Code 1972, § 5-21; Ord. No. 18, § 6, 12-22-1952)

**Sec. 18-31. Procedure when permit to repair building in fire limits denied.**

Whenever an application for a permit to repair any building already located within the fire limits is made by any person and there is disagreement on the extent of repairs to be made, and a permit is denied by the building inspector, then the city council shall appoint a competent and disinterested person and the applicant shall appoint a competent and disinterested person, who shall select a third member. Those three persons shall appraise the building, examine the plan of the proposed work, and the statement of materials and labor to be used in the repairing or rebuilding of the building, and make a signed written report of their findings to the city council. If such report reflects clearly that the rebuilding or repairing would be a violation of the provisions of this article, then such application for permit shall be denied by the city council. If such report reflects that the person seeking the permit will comply with this article, and the requested building or repairing is not in violation of this article, then the city council shall issue a permit for the proposed rebuilding or repairing.

(Code 1972, § 5-22; Ord. No. 18, § 7, 12-22-1952)

**Sec. 18-32. Construction and repair of roofs within fire limits generally.**

(a) All buildings or structures constructed in the fire limits of the city shall have incombustible roof coverings.

(b) No roofing on an existing roof on a building within the fire limits shall be renewed or repaired to a greater extent than ten percent of the roof surface, except in conformity with the provisions of this article, and in no instance shall more than one permit required by this article be issued for renewal or repair of a roof on any existing building in any one year.

(Code 1972, § 5-23; Ord. No. 18, § 5, 12-22-1952)

**Sec. 18-33. Conflicts between article and zoning ordinance.**

In the event there is a conflict between any provision of this article and the zoning ordinance of the city, the zoning ordinance of the city shall take precedence and control.

**Sec. 18-34. [Building code adopted.]**

(a) A certain document, three copies of which are on file in the office of the city secretary of the City of Devine, being marked and designated as the International Building Code, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Devine, Texas, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said building code on

file in the office of the City of Devine are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) of this section.

(b) The following changes are hereby made to the codes:

- (1) Devine is the jurisdiction to which the codes apply.
- (2) Violations of the codes shall be subject to civil and criminal enforcement. Any criminal violation of the codes shall be a Class C misdemeanor punishable by a fine up to \$2,000.00 per violation. A violation of the codes shall also be subject to a civil penalty of up to \$2,000.00 per violation. Each day or portion of a day that a person is in violation of a code shall be considered a separate violation.

(Ord. No. 10-10, §§ 1, 9, 10-19-2010)

**Editor's note**—Section 1 of Ord. No. 10-10, adopted Oct. 19, 2010, did not specify manner of inclusion; hence, codification as § 18-34 was at the discretion of the editor.

**Sec. 18-35. [Existing building code adopted.]**

(a) A certain document, three copies of which are on file in the office of the city secretary of the City of Devine, being marked and designated as the International Existing Building Code, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the City of Devine, Texas, regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historical buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said existing building code on file in the office of the City of Devine are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) of this section.

(b) The following changes are hereby made to the codes:

- (1) Devine is the jurisdiction to which the codes apply.
- (2) Violations of the codes shall be subject to civil and criminal enforcement. Any criminal violation of the codes shall be a Class C misdemeanor punishable by a fine up to \$2,000.00 per violation. A violation of the codes shall also be subject to a civil penalty of up to \$2,000.00 per violation. Each day or portion of a day that a person is in violation of a code shall be considered a separate violation.

(Ord. No. 10-10, §§ 7, 9, 10-19-2010)

**Editor's note**—Section 7 of Ord. No. 10-10, adopted Oct. 19, 2010, did not specify manner of inclusion; hence, codification as § 18-35 was at the discretion of the editor.

**Secs. 18-36—18-54. Reserved.**

**ARTICLE III. ELECTRICAL CODE ENFORCEMENT****Sec. 18-55. Approval and inspection of electrical connections, meters; issuance of permit.**

(a) The provisions of this section shall apply to all property within the city limits of the city whereby any person, firm or corporation shall make application for electrical connection and/or an electrical meter to any property within the city.

(b) No electrical connection and/or electrical meter shall be furnished to any property within the city without an inspection first being made upon such property by the city in order to determine whether or not such property complies with minimum standards as required by the ordinances of the city.

(c) Upon the passing of an inspection, a permit shall be issued allowing the connection of electricity and/or an electrical meter to the property for which application is made.

(d) The city secretary, and/or city fire marshal, and/or the electrical inspector, and/or any police officer of the city shall be responsible for carrying out the enforcement of this section and for making inspections as required by this section.

(e) Any person, firm or corporation who shall make an electrical connection and/or install any electrical meter to any property within the city without having first complied with the inspection of the property as provided for by this section shall be deemed guilty of a misdemeanor.

(Code 1972, § 5-41; Ord. No. 2-84A, §§ 1—5, 2-7-1984; Ord. No. 9-82C, § 3, 9-21-1982; Ord. No. 1-87B, § 3, 1-20-1987)

**Secs. 18-56—18-83. Reserved.**

**ARTICLE IV. GAS CODE****Sec. 18-84. Fuel gas code adopted.**

The 2006 International Fuel Gas Code is adopted by reference as though copied fully herein.

**Sec. 18-85. New subdivisions and additions to existing subdivisions to have natural gas line available; connection fee.**

(a) All new subdivisions and additions to existing subdivisions shall have a natural gas line down the street in front of each house with connections so that natural gas may be available to each house.

(b) The regular connection fee will be charged when any new house is connected to a gas line.

(Code 1972, § 5-53; Ord. of 5-11-1972, § 1)

**Secs. 18-86—18-113. Reserved.**

**ARTICLE V. PLUMBING CODE\***

**Sec. 18-114. Plumbing code adopted.**

(a) A certain document, three copies of which are on file in the office of the city secretary of the City of Devine, being marked and designated as the International Plumbing Code, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Devine, Texas, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said plumbing code on file in the office of the City of Devine are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) of this section.

(b) The following changes are hereby made to the codes:

- (1) Devine is the jurisdiction to which the codes apply.
- (2) Violations of the codes shall be subject to civil and criminal enforcement. Any criminal violation of the codes shall be a Class C misdemeanor punishable by a fine up to \$2,000.00 per violation. A violation of the codes shall also be subject to a civil penalty of up to \$2,000.00 per violation. Each day or portion of a day that a person is in violation of a code shall be considered a separate violation.

(Code 1972, § 5-63; Ord. No. 10-10, §§ 4, 9, 10-19-2010)

**Sec. 18-115. Definition.**

Wherever the term "plumbing official" is used within the code adopted by this article it shall be held to refer to the code enforcement officer of the city.

(Code 1972, § 5-64; Ord. No. 9-82C, § 3, 9-21-1982; Ord. No. 1-87B, § 3, 1-20-1987)

**Sec. 18-116. Plumbing permit fees.**

Prior to the installation or repair of any plumbing within the city, a permit fee for the issuance of a work permit shall be paid.

(Code 1972, § 5-65)

**Sec. 18-117. Inspection fees.**

For inspection of all plumbing installations within the city, a fee shall be paid.

(Code 1972, § 5-66)

**Secs. 18-118—18-147. Reserved.**

\***State law reference**—Municipal authority concerning plumbing and house drainage, V.T.C.A., Local Government Code § 214.012.

**ARTICLE VI. MOVING BUILDINGS****Sec. 18-148. Applicability of article provisions.**

The provisions of this article shall apply to all buildings and houses moved into or within the city to be used for human habitation or capable of being used for human habitation. The terms "buildings" and "houses" shall include mobile homes.

(Code 1972, § 5-91; Ord. No. 2-84B, § 1, 2-7-1984)

**Sec. 18-149. Compliance with housing code standards.**

No person shall occupy as an owner or occupant, or let or sublet to another for occupancy, any building or house which has been moved into the city, or moved from one location to another within the city, which does not comply with the minimum standard for basic equipment and facilities under the International Residential Code.

(Code 1972, § 5-92; Ord. No. 2-84B, § 2, 2-7-1984)

**Sec. 18-150. Condemned or unfit houses prohibited.**

No house may be moved into the city which has been condemned by another municipality or political subdivision as being unfit for human habitation.

(Code 1972, § 5-93; Ord. No. 2-84B, § 3, 2-7-1984)

**Sec. 18-151. Enforcement and inspection officials designated.**

The city secretary and/or city fire marshal and/or any police officer of the city shall be responsible for carrying out the enforcement of this article and for making inspections as required by this article.

(Code 1972, § 5-94; Ord. No. 2-84B, § 4, 2-7-1984)

**Sec. 18-152. Application for permit; inspection prior to issuance.**

Any person desiring to move a building or house into the city limits of the city shall first make application with the city secretary for a permit to move same into the city. A preliminary inspection shall be conducted on any such building or house to determine whether or not same has deteriorated by 50 percent or more. If, in the opinion of the inspector, the building or house is beyond repair or has deteriorated more than 50 percent, the permit shall not be issued for the building or house to enter the city.

(Code 1972, § 5-95; Ord. No. 2-84B, § 5, 2-7-1984)

**Sec. 18-153. Completion of necessary improvements prior to moving; extensions.**

(a) Any building or house moved into the city under permit that shall require necessary improvements as required by the inspector for the city so that said building or house will comply with this article, the building code of the city, and any other applicable ordinances of the city, shall have such necessary improvements completed within 90 days from the date of issuance of the permit allowing the building or house to be brought into the city.

(b) Extensions of such time as deemed reasonable may be granted by the inspector for the city upon showing of delay caused by matters beyond the control of the owner or mover of the building or house. The application for a permit shall be accompanied by an application for a building permit.

(Code 1972, § 5-96; Ord. No. 2-84B, § 6, 2-7-1984)

**Sec. 18-154. Time for completion of improvements; utility connections.**

All exterior work upon any such building or house shall be completed within 45 days following the issuance of the permit to allow the building or house to enter the city; and the inspector for the city shall determine compliance. All interior work must be completed within 45 days after completion of all exterior work, but in no event shall the making of all necessary improvements extend beyond 90 days from the date of the permit, unless extensions are granted. No utilities shall be connected to any such building or house until all such necessary improvements are completed to the satisfaction of the inspector for the city.

(Code 1972, § 5-97; Ord. No. 2-84B, § 7, 2-7-1984)

**Sec. 18-155. Permit and inspection fees.**

The permit holder shall pay the following fees, which are established from time to time by ordinance:

- (1) The house moving permit fee.
- (2) The preliminary inspection fee, which shall be a base rate plus a fee per mile from the city limits to the present site of the proposed building or house to be moved.
- (3) Additional inspection fees.
- (4) Follow-up inspections (red tag inspections) or when work has not been completed on time.

(Code 1972, § 5-98; Ord. No. 2-84B, § 8, 2-7-1984)

**Sec. 18-156. Precautions for protection of persons and property during moving.**

Any person who desires to move a building, mobile home, house or any oversize load through the city shall first obtain a permit before entering the city limits so that proper precautions can be taken for the protection of persons and property.

(Code 1972, § 5-99; Ord. No. 2-84B, § 9, 2-7-1984)

**Sec. 18-157. Approval of adjacent property owners required prior to moving.**

(a) Any person who wishes to locate a building or house within the city limits shall make application to the city secretary, including the proposed location of the building or house, the year the building or house was manufactured or built, a general description of the building or house including its dimensions, and the applicant's proposed use and improvement of the building or house. Within a reasonable time following his receipt of such a satisfactory application, the city secretary shall provide the applicant with a list of those persons who are owners of property within 200 feet of the property line of the lot or acreage upon which the building or house is to be placed according to most recent tax roll for the city. The list may be amended by the city secretary as more current information about the identity of the owners of such property is brought to his attention.

(b) Prior to approval of a permit for the building or house to be located in the city the applicant must provide evidence satisfactory to the city secretary that a majority of those persons named on the list provided by the city secretary approve the application.

(Code 1972, § 5-100; Ord. No. 8-85C, § 1, 8-6-1985)

**Secs. 18-158—18-182. Reserved.**

**ARTICLE VII. MECHANICAL CODE****Sec. 18-183. Mechanical code adopted.**

The 2006 International Mechanical Code is hereby adopted by reference as though copied fully herein.

**Secs. 18-184—18-204. Reserved.**

### **ARTICLE VIII. UNSAFE BUILDINGS\***

#### **Sec. 18-205. 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:

*Building* means and includes all or any part of a building or structure.

*Building official* means the building official or such official's designated representative, charged with the administration and enforcement of this Code. The code enforcement officer of the city shall be considered the building official.

*Unsafe building* means all premises, buildings or structures which have any or all of the following defects shall be deemed dangerous premises:

- (1) Those buildings or structures whose interior walls or other walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (2) Those buildings or structures which, exclusive of the foundations, show 33 percent or more of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering.
- (3) Those buildings or structures which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- (4) Those buildings or structures which have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the city.
- (5) Those buildings or structures which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unsafe for human habitation, or the condition of which is likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein or to persons or property in the vicinity.
- (6) Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who occupy or live or may live therein.
- (7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.

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

- (8) Those which have parts thereof which are so attached that they may reasonably be expected to fall and injure members of the public or property.
  - (9) Those which because their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this city.
- (Ord. No. 3-99C, § 2(1), 3-16-1999)

**Sec. 18-206. Scope.**

This article shall apply equally to all buildings regardless of the date of their construction.  
(Ord. No. 3-99C, § 2(2), 3-16-1999)

**Sec. 18-207. Purpose.**

This article is remedial in purpose, and shall be construed to secure the prevention and abatement of hazards incident to the construction, alteration, repair, removal, use and maintenance of buildings. All construction, alteration, repair, removal, use, occupancy and maintenance of any building in the city shall comply with the residential and building codes adopted by the state, as modified or amended by the city.  
(Ord. No. 3-99C, § 2(3), 3-16-1999)

**Sec. 18-208. Inspection and initial notice.**

(a) The building official will respond to all complaints that a building is in violation of this chapter by inspecting the building.

(b) After initially determining that a building is unsafe, the building official will issue an initial notice of unsafe building to the owner of the building.

(c) An initial notice of unsafe building will contain the following information:

- (1) The street address of the building;
- (2) A description of the conditions that make the building an unsafe building;
- (3) A request that the building be vacated within ten days if it is occupied and cannot be repaired within that time;
- (4) A request that the owner obtain a permit within ten days for the repair or demolition of the building; and
- (5) A statement that a public hearing on whether the building is unsafe will be conducted before the board of adjustment upon request of the owner or in the event that the owner fails to comply with action requested in the initial notice.

(d) The initial notice will be given to the owner in one of the following ways:

- (1) By personally serving the owner with a copy;
- (2) By certified mail addressed to the owner at the owner's post office address; or

(3) If personal service cannot be obtained and the owner's post office address is unknown:

- a. By publishing the notice at least twice within a ten-day period in a newspaper of general circulation in the county in which the building is located; or
- b. By posting the notice on or near the front door of the building.

(Ord. No. 3-99C, § 2(4), 3-16-1999)

**Sec. 18-209. Additional authority to secure unsafe building.**

(a) If the building official initially determines that a building violates the minimum standards and is unoccupied or is occupied only by persons who do not have a right of possession to the building, the building official may secure the building.

(b) Before the 11th day after the building is secured, the building official shall give notice to the owner by:

- (1) Personally serving the owner with written notice;
- (2) Depositing the notice in the United States mail addressed to the owner at the owner's post office address;
- (3) Publishing the notice at least twice within a ten-day period in a newspaper of general circulation in the county in which the building is located if personal service cannot be obtained and the owner's post office address is unknown; or
- (4) Posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown.

(c) The notice must contain:

- (1) The street address of the building;
- (2) A description of the violation of the minimum standards that is present at the building;
- (3) A statement that the building official will secure or has secured, as the case may be, the building; and
- (4) A statement that the owner may request a hearing about any matter relating to the security of the building.

(d) The board of adjustment is authorized to assess expenses under this section as provided in section 18-211(g).

(Ord. No. 3-99C, § 2(5), 3-16-1999)

**Sec. 18-210. Public hearing—Notice.**

(a) If the owner of a building fails to comply with a request in an initial notice to vacate or obtain a permit for a building, the building official may schedule a public hearing on the building, or pursue other enforcement action regarding the building. If the owner of a building responds to an initial notice by requesting a public hearing, the building official will schedule a public hearing on the building.

(b) Notice of a public hearing shall be given to the owner of the building, and to each mortgagee and lienholder having an interest in the building or in the property on which the building is located, in any manner described in section 18-208(d).

(c) The notice shall contain the following:

- (1) The street address of the building;
- (2) A description of the conditions that make the building an unsafe building;
- (3) A statement that the issues at the hearing will be whether the building is an unsafe building, and if so, whether the building should be vacated, secured, repaired or demolished, and if so, within what time periods these activities should be completed;
- (4) A statement that if the building is not vacated, secured, repaired or demolished in accordance with an order entered after the hearing, the city may vacate, secure, repair or demolish the building, and assess a lien for expenses incurred;
- (5) A statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.

(Ord. No. 3-99C, § 2(6), 3-16-1999)

**Sec. 18-211. Same—Orders.**

(a) A public hearing shall be held before the board of adjustment.

(b) The issues at a hearing will be limited to those described in section 18-210(c)(3). The building official, the owner and any mortgagee or lienholder of the building, and other interested persons may address these issues at the hearing.

(c) Disputed fact issues shall be determined by a preponderance of the evidence.

(d) In a public hearing to determine whether a building complies with the standards set out in this article, the owner, lienholder or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.

(e) If a building is found to be an unsafe building, the board of adjustment shall order that the building be vacated, secured, repaired or demolished.

(f) An order shall require the owner to obtain an appropriate permit within a specified time, and to complete each remedial action within a specified time. The order shall also specify an additional time period for such actions to be taken by any mortgagee or lienholder in the event the owner fails to comply with any part of the order.

(g) The board of adjustment may in its discretion assess expenses against any party.

(h) A copy of the order shall be given to the owner, and to each mortgagee and lienholder of the building or property, in a manner described in section 18-208(d).

- (i) Within ten days after the date that the order is issued, the city shall:
    - (1) File a copy of the order in the office of the municipal secretary; and
    - (2) Publish in a newspaper of general circulation in the city a notice containing:
      - a. The street address or legal description of the property;
      - b. The date of the hearing;
      - c. A brief statement indicating the results of the order; and
      - d. Instructions stating where a complete copy of the order may be obtained.
- (Ord. No. 3-99C, § 2(7), 3-16-1999)

**Sec. 18-212. Failure to comply with order; lien.**

- (a) If any part of any order is not complied with by the owner nor by any mortgagee or lienholder, the building official may cause the ordered remedial action to be taken.
  - (b) Any repairs caused by the building official will be limited to the removal or correction of hazardous conditions, and the securing of the building against unauthorized entry.
  - (c) The building official shall certify the amount of the city's expenses for remedial action to the city administrator for billing to the owner.
  - (d) The city administrator may assess the expenses as a lien against the property on which the building is or was located on a form approved by the city attorney.
- (Ord. No. 3-99C, § 2(8), 3-16-1999)

**Sec. 18-213. Standards for repair, vacations, or demolition.**

The following standards shall be followed in substance by the building official in ordering repair, vacation and/or demolition:

- (1) If the unsafe building can be feasibly repaired or the condition remedied so that it will no longer exist in violation of the terms of this article, it shall be ordered remedied or repaired. Repairs shall be deemed feasible only if less than 50 percent of the value or structure of the building must be repaired or replaced.
  - (2) If the unsafe building is in such condition as to make it dangerous to the health or safety of its occupants, it shall be ordered to be vacated.
  - (3) In any case where an unsafe building is 50 percent or more damaged or decayed or deteriorated from its value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article it shall be demolished.
- (Ord. No. 3-99C, § 2(9), 3-16-1999)

**Sec. 18-214. Prohibited acts.**

- (a) It shall be unlawful for the owner of a building to maintain the building in a manner that allows the building to become or remain an unsafe building.

(b) It shall be unlawful for any person to remove any form of unsafe building notice attached to a building by the building official.

(Ord. No. 3-99C, § 2(10), 3-16-1999)

**Sec. 18-215. Administrative liability.**

No officer, agent or employee of the city shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article. Any suit brought against any officer, agent or employee of the city as a result of any act required or permitted in the discharge of his duties under this article shall be defended by the city attorney until the final determination of the proceedings therein.

(Ord. No. 3-99C, § 2(11), 3-16-1999)

**Sec. 18-216. Penalty.**

Any person, or anyone acting in behalf thereof, who shall willfully violate or fail to comply with any of the provisions of this article shall upon conviction be punished by a fine not to exceed \$1,000.00.

(Ord. No. 3-99C, § 2(12), 3-16-1999)

**Sec. 18-217. Unsafe buildings prohibited.**

It shall be unlawful for any person to own, maintain, or permit to stand upon any premises within the city any unsafe buildings, and all such unsafe buildings are hereby declared to be unlawful, and are hereby declared to be a public nuisance.

(Code 1972, § 5-161; Ord. No. 4-89B, § 1.01, 4-18-1989; Ord. No. 3-99C, § 2(13), 3-16-1999)

**Sec. 18-218. Inspection.**

An inspection shall be made of every building located within the city which is suspected of being in violation of this article. The building inspector and assistants are hereby authorized to conduct inspections of all such buildings suspected of being in violation of this article.

(Code 1972, § 5-163; Ord. No. 4-89B, § 1.03, 4-18-1989)

**Sec. 18-219. Filing of statement of expense and creation of lien.**

The mayor, city administrator or city secretary of the city shall file with the county clerk a statement of expenses incurred under the preceding section, giving the amount of such expenses and the date on which the work was done or such improvement was made; and the city shall have a privileged lien, pursuant to V.T.C.A., Local Government Code § 214.001(n), on such lot, other premises or real estate upon which the building was located, in order to secure the repayment of the expenditures so made. Any civil penalty or other assessment imposed

under this article accrues interest at the rate of ten percent a year from the date of the assessment until paid in full. The statement of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie evidence of the amount expended for such work.

(Code 1972, § 5-166; Ord. No. 4-89B, § 1.06, 4-18-1989; Ord. No. 3-99C, § 2(14), (15), 3-16-1999)

**Sec. 18-220. Applicability.**

The provisions of this article shall apply only to buildings for which the public hearing required by V.T.C.A., Local Government Code §§ 214.001, 214.0011, and section 18-210, was held after the effective date of the ordinance from which this article is derived.

(Ord. No. 3-99C, § 2(19), 3-16-1999)

**Sec. 18-221. Effect of article on other laws.**

This article does not affect a law or other ordinance authorizing the destruction of dangerous buildings.

(Code 1972, § 5-167; Ord. No. 4-89B, § 1.12, 4-18-1989)

**Secs. 18-222—18-235. Reserved.**

**ARTICLE IX. RESIDENTIAL CODE\***

**Sec. 18-236. [Residential code adopted.]**

(a) A certain document, three copies of which are on file in the office of the city secretary of the City of Devine, being marked and designated as the International Residential Code, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Devine, Texas, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said residential code on file in the office of the City of Devine are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) of this section.

(b) The following changes are hereby made to the codes:

- (1) Devine is the jurisdiction to which the codes apply.
- (2) Violations of the codes shall be subject to civil and criminal enforcement. Any criminal violation of the codes shall be a Class C misdemeanor punishable by a fine up to

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\***Editor's note**—Section 2 of Ord. No. 10-10, adopted Oct. 19, 2010, did not specify manner of inclusion; hence, codification as art. IX, § 18-236 was at the discretion of the editor.

\$2,000.00 per violation. A violation of the codes shall also be subject to a civil penalty of up to \$2,000.00 per violation. Each day or portion of a day that a person is in violation of a code shall be considered a separate violation.

(Ord. No. 10-10, §§ 2, 9, 10-19-2010)

**Secs. 18-237—18-250. Reserved.**

#### **ARTICLE X. ENERGY CONSERVATION CODE\***

##### **Sec. 18-251. [Energy conservation code adopted.]**

(a) A certain document, three copies of which are on file in the office of the city secretary of the City of Devine, being marked and designated as the International Energy Conservation Code, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Energy Conservation Code of the City of Devine, Texas, regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said energy conservation code on file in the office of the City of Devine are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) of this section.

(b) The following changes are hereby made to the codes:

- (1) Devine is the jurisdiction to which the codes apply.
- (2) Violations of the codes shall be subject to civil and criminal enforcement. Any criminal violation of the codes shall be a Class C misdemeanor punishable by a fine up to \$2,000.00 per violation. A violation of the codes shall also be subject to a civil penalty of up to \$2,000.00 per violation. Each day or portion of a day that a person is in violation of a code shall be considered a separate violation.

(Ord. No. 10-10, §§ 5, 9, 10-19-2010)

**Secs. 18-252—18-265. Reserved.**

#### **ARTICLE XI. PROPERTY MAINTENANCE CODE†**

##### **Sec. 18-266. [Property maintenance code adopted.]**

(a) A certain document, three copies of which are on file in the office of the city secretary of the City of Devine, being marked and designated as the International Property Maintenance Code, 2009 edition, as published by the International Code Council, be and is

**\*Editor's note**—Section 5 of Ord. No. 10-10, adopted Oct. 19, 2010, did not specify manner of inclusion; hence, codification as art. X, § 18-251 was at the discretion of the editor.

**†Editor's note**—Section 8 of Ord. No. 10-10, adopted Oct. 19, 2010, did not specify manner of inclusion; hence, codification as art. XI, § 18-266 was at the discretion of the editor.

hereby adopted as the Property Maintenance Code of the City of Devine, Texas, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the City of Devine are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) of this section.

(b) That the following changes are hereby made to the codes:

- (1) Devine is the jurisdiction to which the codes apply.
- (2) Violations of the codes shall be subject to civil and criminal enforcement. Any criminal violation of the codes shall be a Class C misdemeanor punishable by a fine up to \$2,000.00 per violation. A violation of the codes shall also be subject to a civil penalty of up to \$2,000.00 per violation. Each day or portion of a day that a person is in violation of a code shall be considered a separate violation.

(Ord. No. 10-10, §§ 8, 9, 10-19-2010)

**Secs. 18-267—18-280. Reserved.**

## **ARTICLE XII. NATIONAL ELECTRICAL CODE\***

**Sec. 18-281. Code adopted.**

Subject to such local amendments as are set out in section 18-282 of this article the 2014 National Electrical Code is hereby adopted.

(Ord. No. 10-14, § 1, 10-21-2014)

**Sec. 18-282. Local amendments to the 2014 National Electrical Code.**

Notwithstanding any provision of the 2014 National Electrical Code to the contrary, said Code is hereby amended to provide the local amendments as follows: "No electrical wiring or connectors in any permanent application may be made of aluminum nor of a size smaller than 12 gauge."

(Ord. No. 10-14, § 2, 10-21-2014)

**\*Editor's note**—Ord. No. 10-14, §§ 1—3, adopted Oct. 21, 2014, did not specify manner of inclusion; hence, codification as Art. XII, §§ 18-281—18-283 was at the discretion of the editor.

**Sec. 18-283. Penalty.**

A violation of this article, or the Code adopted hereby, shall constitute a Class C misdemeanor and upon conviction the convicted party shall be subject to a fine not less than \$1.00 and not exceeding \$500.00; unless the violation is of a rule or ordinance that governs fire safety, zoning or public health and sanitation, including dumping, in which case the convicted party shall be subject to a fine not less than \$1.00 and not exceeding \$2,000.00. (Ord. No. 10-14, § 3, 10-21-2014)



Chapters 19—21

**RESERVED**

