

ORDINANCE NO. 35

AN ORDINANCE OF THE MUNICIPALITY OF LOWRY CROSSING, TEXAS ESTABLISHING THE POSITION OF BUILDING OFFICIAL, DEFINING THE DUTIES AND RESPONSIBILITIES OF THAT OFFICE, AND PROVIDING FOR SALARY COMPENSATION THEREOF:

WHEREAS, The municipality of Lowry Crossing has adopted an ordinance requiring building permits, defining building codes and requiring inspections for all construction within the town limits, and

WHEREAS, There is now a need for a building official to oversee, coordinate, and enforce these activities,

NOW THEREFORE: BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF LOWRY CROSSING, TEXAS:

SECTION 1. That a part-time position of Building Official be established.

SECTION 2. That the duties of the Building Official be as defined in "Job Description" for "Lowry Crossing Building Official" attached hereto, and that the "Job Description" may be revised from time-to-time by a majority vote of the Board of Aldermen, and be attached to this Ordinance without requiring a new Ordinance.

SECTION 3. That the qualifications for the position of Building Official shall be generally as described in this Section.

- a) The candidate need not be a resident of the Town of Lowry Crossing.
- b) The candidate must demonstrate a general familiarity with the building trades, building codes and construction practices, and show proficiency in dealing with the public.

Lowry Crossing is an Equal Employment Opportunity Employer. Candidates are eligible regardless of race, sex, age, creed, religion, or nationality.

SECTION 4. That the salary and other compensation for this position shall be as defined by a majority vote of the Board of Aldermen at the time such position is filled, and as may be changed from time-to-time by majority vote.

PASSED AND APPROVED this 11th day of Sept, 1989

15/

Mayor

ATTEST:

15/

City Secretary

JOB DESCRIPTION
LOWRY CROSSING BUILDING OFFICIAL

- I TITLE: The title of the position is LOWRY CROSSING BUILDING OFFICIAL (hereinafter referred to as Building Official, or BO.
- II RESPONSIBILITIES: The Building Official is responsible for the enforcement of the Building Code of Lowry Crossing, as ordained by City Ordinance No. 35, dated September 11, 1989, or as subsequently amended or replaced by the City Council of Lowry Crossing.

In general, this code references the following codes of the Southern Building Code Congress International (SBCCI).

Standard Amusement Device Code
Standard Building Code
Standard Abatement Code
Standard Excavation and Grading Code
Standard Fire Prevention Code
Standard Gas Code
Standard Housing Code
Standard Mechanical Code
Standard Plumbing Code
Standard Swimming Pool Code

- III OBJECTIVES: It is an objective of this position that the Building Official shall become certified and registered by the Council of American Building Officials as a CABO Building Official.
- IV GOALS: In keeping with the above objective, the Lowry Crossing Building Official shall initiate those actions required to successfully pass the three modules of the CABO examination within one year of employment as BO, or the adoption of this job description, whichever is later.

To that end, and within 60 days of adoption of this job description, the Building Official submit a report to the City Council, containing the specifics of what is required to meet this goal (home study courses, requisite materials, workshops, schedule and location of examinations, etc.); associated cost(s); and a realistic schedule for accomplishment.

- V SPECIFIC JOB REQUIREMENTS: The Building Official shall be responsible for the oversight, administration, accomplishment, enforcement, and reporting of all business of the Building Department. (Until such time as the Building Department shall be expanded to include city employees other than the Building Official, the terms Building Department and Building Official may be used interchangeably in the following text.) Duties shall include, but not necessarily be limited to the following:

1) SURVEY: The Building Department shall perform a regular and ongoing visual survey of all construction activities throughout the city to determine compliance or noncompliance with the Codes, with particular attention as to the presence of a Building Permit issued by the City of Lowry Crossing. The entire city shall be

surveyed on a weekly basis until further notice (said notice to be based on public awareness of the Building Code and Permit Ordinances, and concurrence of the City Council), after which time, the survey may be conducted on a less frequent basis.

Upon discovery of construction in process without a proper Building Permit, a written Notice of Violation, shall be prepared, said notice to be served to the property owner either 1) personally, 2) by mail, or 3) by posting and keeping posted for 7 days, a copy of the notice in a conspicuous place on the premises. A copy of the Notice of Violation shall be retained in the Building Department files.

Should construction continue beyond a reasonable period without a Building Permit being obtained, the Building Department shall prepare a Citation. (See separate paragraph on Citations, below.)

2) BUILDING PERMITS: The Building Department shall review all applications for Building Permits for conformance with the applicable Codes and Zoning classifications, and shall issue (or deny) the appropriate Building Permit, and collect fees. Fees collected shall be deposited with the city Secretary weekly, or at lesser intervals.

3) INSPECTIONS: The Building Department shall promptly perform, or cause to have performed, all appropriate inspections for permitted construction according to the schedules contained in the latest applicable City Ordinance.

A Green Tag shall be issued and posted for construction which satisfactorily meets the inspection criteria. The tag shall show inspection(s) satisfactorily completed, the date, and inspector's signature or stamp. A record of the inspection shall be entered into the Department files.

4) SPECIAL INSPECTION REQUIREMENTS: Where a requirement exists to have inspections performed by certified building inspectors, and properly certified inspectors are not regular employees of the Building Department, the Building Department shall arrange to have inspections performed by contract or part-time inspectors who are properly certified. Such requirements may be created by FHA or VA financing, HOW insurance approvals, etc.

Where a requirement exists to have inspections performed on more frequent intervals than may be required by ordinance, the Building Department shall arrange to have those inspections performed at owner's expense.

Nothing in this paragraph shall be construed as to require duplicate or unnecessary inspections.

5) PART-TIME and CONTRACT INSPECTORS: The Building Department shall prepare and maintain a list of certified specialty building inspectors (such as Building Inspector, Commercial Electrical Inspector, Residential Electrical Inspector, Fire Inspector, Plumbing Inspector, Mechanical Inspector, and Rehabilitation and Preservation Inspector) who possess a minimum of SBCCI Level 1

Certification and who are available for performing the special inspections described above.

6) NONCONFORMANCE: Where inspection reveals construction which does not conform to the City of Lowry Crossing Building Codes, or where work has been covered up before acceptance (Green Tag) of a required prior inspection, the Building Department shall immediately prepare and post a Red Tag citing the specific area(s) of nonconformance, and containing the time and date, and the inspector's signature or stamp. A record of the red tag and area(s) of nonconformance shall be entered into the Department files.

7) REINSPECTIONS: Where construction requires a reinspection to clear Red Tag discrepancies, or to permit inspection to be completed, the Building Department shall cause such reinspection to be promptly performed at owner's expense. If the reinspection is satisfactory, a Green Tag shall be issued, and the Red Tag removed and retained for Department records.

8) OCCUPANCY PERMIT: Upon satisfactory completion of all required inspections, the Building Department shall promptly issue a Certificate of Occupancy, and shall notify the appropriate utility company(s) of such approval.

9) CITATIONS: Where nonconforming construction continues for an unreasonable period of time following notice of violation (see survey paragraph 1 above, nonconformance paragraph 6 above, etc.) the Building Department shall prepare a Citation of Non-Conformance which specifically identifies the deficiency(s), and shall promptly forward the Citation to the City Secretary for possible legal action.

10) PUBLIC UTILITIES: The Building Department shall provide the appropriate oversight of public utility construction with particular emphasis on public safety and the restoration of public property to its original condition (i.e., road surfaces, drainage, appearance, landscaping, etc.), and shall notify the public utility of problems. Where satisfactory problem resolution is not obtained within a reasonable time period, a Citation shall be prepared.

11) UNSAFE RESIDENTIAL BUILDINGS: The Building Department shall maintain an ongoing survey of all properties within the city boundaries, for the purpose of identifying Unsafe Residential Buildings, or violations of the Sanitation Requirements of the Standard Housing Code (specifically sections 103 Unsafe Residential Buildings, and Section 307 Sanitation, Cleanliness, Garbage Disposal, Care of Premises, and Exterminations). Where violations are found to exist, the Building Department shall issue a written notice of violation, such notice to be served as defined in Section 103 of the Housing code, or as described in paragraph 1 above, as appropriate. Should the violation continue beyond the time limit imposed by the written notice, a Citation shall be issued as described above.

Note: The requirements of this paragraph are to be deferred until further notice, pending City Council actions to enhance public awareness of Lowry Crossing's intent to enforce these provisions of the Building Codes.

12) REIMBURSEMENT OF EXPENSES: Prior City Council approval shall be required for all Building Department expenses. Approved expenses shall be reimbursed upon submittal of a written expense account or receipt. No reimbursement shall be made for expenses incurred without prior approval.

13) TITLE TO PROPERTY: All materials and supplies procured at City expense shall be the property of the City of Lowry Crossing, and shall be surrendered to the city upon separation of the Building Official from employment by the City.

14) RECORDS AND REPORTS: The Building Official shall maintain (or cause to be maintained) a written record of the business of the department. The records shall be open to public inspection, and are to remain the property of the City of Lowry Crossing. As a minimum, records are to include permits issued (or denied), inspections performed, red tags issued, reinspections, red tags cleared, citations and other enforcement activities, monies received and spent, education or certification accomplishments, and any other official acts.

The Building Official shall submit a monthly summary of all activities at all regularly scheduled City Council meetings, and an annual summary at the end of each fiscal year.

15) PUBLIC EDUCATION AND AWARENESS: The Building Official shall keep the City Council apprised of public awareness of the Building Codes, and shall from time to time make recommendations for improving public knowledge, awareness, and compliance with the codes.

16) STANDARDS OF CONDUCT: The Building Official is an employee of the citizens of Lowry Crossing, and may be the only city representative whom a citizen may come into contact. As such he is expected to maintain an image of the highest ethical standards when dealing with the public. Specific areas which might cause misunderstandings include: a) No construction work should be repaired, dismantled, or otherwise altered in any way by any inspector. b) Vehicles used for official city business, and clothing worn during conduct of city business shall not bear the name of any commercial enterprise. c) Not only can there be no conflict of interest (See Section 102.2 of the Housing Code), there should be no appearance of a conflict of interest.

17) APPEALS: Until further notice, the City Council of the City of Lowry Crossing shall act as the Board of Adjustments and Appeals for all appeals resulting from the enforcement of the Building Codes.