

ORDINANCE NO. 006-006

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18, ARTICLES I AND II, OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS, TO PROVIDE MINIMUM STANDARDS TO SAFEGUARD LIFE OR LIMB, PROPERTY, AND PUBLIC WELFARE BY REGULATING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, USE AND OCCUPANCY, LOCATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES. PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Code of Ordinances of the Town of Addison be amended by rewriting Chapter 18, Article I in its entirety to read as follows:

ARTICLE I. IN GENERAL

Sec. 18-1. Building permit fee schedule.

The building permit fee schedule shall be as follows:

*Combined permits:*

The term "combined permit" shall mean a single permit, issued for a single fee, authorizing all structural, plumbing, electrical, mechanical and fence work to be performed in the construction of a building or structure.

TABLE 1-A, BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 TO \$500.00	\$25.00
\$501.00 TO \$2,000.00	\$25.00 for the first \$500.00 plus \$3.00 for each additional \$100.00, or fraction thereof, to and including \$2,000.00.
\$2,001.00 TO \$25,000.00	\$70.00 for the first \$2,000.00 plus \$15.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00.

\$25,001.00 to \$50,000.00	\$415.00 for the first \$25,000.00 plus \$10.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$665.00 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$1015.00 for the first \$100,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$3415.00 for the first \$500,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$5915. for the first \$1,000,000.00 plus \$4.00 for each additional \$1,00.00 or fraction thereof.

**Other Inspections and Fees:**

- |                                                                                                                       |                                 |
|-----------------------------------------------------------------------------------------------------------------------|---------------------------------|
| 1. Inspections outside of normal business hours<br>(Minimum charge - two hours)                                       | \$50.00 per hour <sup>①</sup>   |
| 2. Reinspection fees                                                                                                  | \$50.00 per hour <sup>①</sup>   |
| 3. Inspections for which no fee is specifically<br>Indicated (minimum charge - one-half hour)                         | \$50.00 per hour <sup>①</sup>   |
| 4. Additional plan review required by changes,<br>Additions or revisions to plans<br>(Minimum charge - one-half hour) | \$50.00 per hour <sup>①</sup>   |
| 5. <u>For use of outside consultants for plan checking</u>                                                            | <u>Actual costs<sup>②</sup></u> |

<sup>①</sup>Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

<sup>②</sup>Actual costs include administrative and overhead costs.

**Sec. 18-2. Subcontractor's and miscellaneous permit fee schedule.**

The subcontractor's and miscellaneous permit fee schedule shall be as follows:

*Subcontractor work:*

"Subcontractor's work" shall mean the various types of work listed below which are not done as part of the work allowed under a combined permit.

<i>Type of Work</i>	<i>Fee</i>
Electrical work	Table 1-A
Plumbing work	Table 1-A
Mechanical work	Table 1-A
Irrigation sprinkler system	Table 1-A
Demolition	\$100.00
Note: If ordered by the city to demolish a building, there is no fee charged.	
Zoning Verification Letter	\$30.00
Zoning Fee-Less than one acre	\$150.00
Zoning Fee-One acre, but less than 5 acres	\$300.00
Zoning Fee Five acres or more	\$500.00
Special Use Permit Fee	\$425.00
Variance Fee	\$50.00

Moving all buildings \$100.00

Sec. 18-3. Additional fee.

If any construction or other work pursuant to this chapter is attempted prior to any authority, permission or approval of the city to do so, and an application for a building permit is then sought, there shall be paid by the applicant for such building permit a fee equal to twice the amount of the applicable fee as set out hereinabove at section 18-1 and section 18-2. Payment of the additional fee does not excuse full compliance with provisions of this chapter.

Sec. 18-4. Licensing required.

(a) No person shall engage in the business of construction, or make any repairs, alterations or changes to an existing building unless that person is licensed as a building contractor by the town. However, no license is required for work that is not required to be permitted.

(b) There will be a fee of fifty dollars (\$50.00) for a building contractor's license.

(c) The building contractor's license shall be valid for one (1) year from the date of registration.

(d) The building contractor shall be subjected to the requirements and penalties of the Code of Ordinances of the Town of Addison.

Exception: Home owners are not required to be licensed as building contractors to perform work in their own home.

Sec. 18-5. Industry standards to be followed in excavations; indemnity.

In addition to all other building, plumbing, mechanical, electrical, dangerous building and fence code provisions, the applicant's or permittee's plans for all trenches whose depth will equal or will exceed five (5) feet shall include detailed plans and specifications showing a trench safety system which meets Occupational Safety and Health Administration (OSHA) standards. The applicant or permittee and a registered professional engineer or architect shall certify that the trench safety system set forth on the submitted plan meets and complies with all OSHA standards.

The applicant or permittee and the architect or engineer shall indemnify and hold the Town of Addison harmless from any damages or injuries resulting from a failure of the plan or its implementation to meet OSHA standards.

SECTION 2. That the Code of Ordinances of the Town of Addison be amended by rewriting chapter 18, Article II in its entirety to read as follows:

## ARTICLE II. BUILDING CODE

### DIVISION 1. GENERALLY

Sec. 18-31. Adopted.

For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials used, use and occupancy, location and maintenance of all buildings and structures within the city and certain equipment specifically regulated herein, the International Building Code, 2003 Edition, the and the International Energy Conservation Code, 2003 Edition, (copies of which, authenticated by the signature of the mayor and the city secretary, and made a public record by ordinance, is on file in the city secretary's office), are hereby adopted as the building code of the city as fully as if copied at length in this article, but with the changes therein and additions

thereto to provided in this article. Also, adopted are Appendices E, F, G, I and J of the 2003 Edition of the International Building Code.

Sec. 18-51. Deletions, amendments and additions generally.

The International Building Code as adopted in this article, is hereby modified by the deletions, amendments and additions provided herein.

Sec. 18-51.1 Existing Buildings.

The International Building Code is amended by changing Section 101.2, exception 2 to read as follows:

2. Existing buildings undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the International Existing Building Code with prior approval of the Building Official. Otherwise see chapter 34.

Sec. 18-52. Exempted work.

The International Building Code is amended by deleting items 1, 2, and 9 from subsection 105.2.

Sec. 18-53. Certificate of Occupancy.

The International Building Code is amended by changing section 110 to read as follows:

110.1 Use or Occupancy. No building, structure or land may be occupied or used until a certificate of occupancy has been issued by the building official as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or other ordinances of the jurisdiction. Individual dwelling units are exempt from the requirements of this section.

110.2 Change in Use. A certificate of occupancy shall be obtained for a building, structure, or land where there is a change in uses as found in the zoning ordinance of the Town of Addison, where there is a change in occupancy classification as found in the International Building Code, or where there is a

change in owner, tenants or occupants of the building, individual lease space, individual suite, structure, or land.

110.3 Certificate Issued. After all necessary inspections are conducted by the building inspection division and the fire department, and when it is determined that the building, individual lease space, individual suite, structure, or land complies with all applicable provisions of the ordinances of the Town of Addison, the building official shall issue a certificate of occupancy which may contain the following:

1. The address of the building, structure or land.
2. The name of the tenant or occupant who is occupying or using the building, individual lease space, individual suite, structure or land.
3. A statement concerning the approved use of the building, structure or land.
4. The maximum allowed occupancy load for assembly uses.
5. Other information deemed necessary by the building official.

110.4 Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

110.5 Revocation. The building official may revoke a certificate of occupancy when it is determined that it was issued in error or on the basis of incorrect information, or in the event of an unapproved additional use or occupancy or unapproved change in use or occupancy of the building, individual lease space, individual suite, structure, or land.

110.6 Temporary Certificate. If the building official finds that no substantial hazard will result from the occupancy of any building or portion thereof before the same is completed, he may issue a temporary certificate for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

110.7Fee. The fee for each certificate of occupancy will be in the following amounts:

Number of Square Feet In a Building	Certificate of Occupancy Fee
0-5000 square feet	\$50.00
5001-25,000 square feet	\$100.00
25,001-50,000 square feet	\$150.00
50,001-75,000 square feet	\$200.00
75,001-100,000 square feet	\$250.00
100,001-125,000 square feet	\$300.00
125,001-150,000 square feet	\$350.00
150,001-175,000 square feet	\$400.00
175,001-200,000 square feet	\$450.00
200,001-225,000 square feet	\$500.00
225,001-250,000 square feet	\$550.00
250,001-275,000 square feet	\$600.00
275,001-300,000 square feet	\$650.00
300,001-325,000 square feet	\$700.00
325,001-350,000 square feet	\$750.00
350,001-375,000 square feet	\$800.00
375,001-400,000 square feet	\$850.00
400,001-425,000 square feet	\$900.00
425,001-450,000 square feet	\$950.00
450,001-475,000 square feet	\$1000.00
475,001-500,000 square feet	\$1050.00
Over 500,000 square feet	\$1100.00

Sec. 18-54. Board of Appeals.

The International Building Code is amended by deleting subsection 112.3 and changing subsection 112.1 to read as follows:

112.1. General. There is hereby created a board of appeals, consisting of three (3) members and two (2) alternates appointed by the City Council. The building official shall be an ex officio member and shall act as secretary of the board. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. The powers of the board shall be as follows:

- (1) To hear appeals from decisions of the building official.
- (2) To hear requests for the use of a material or method of construction not prescribed by the code and to authorize the use when, in the board's judgement, the material or method of construction is at least equivalent to that prescribed and
- (3) To hear complaints from the building official arising against any person, firm, or corporation licensed by the Town to perform construction work and shall have the power after hearing, to revoke or suspend said license for the following reasons:
  - (a) Chronic violation of code;
  - (b) Misrepresentation of material facts in obtaining said license or renewal thereof;
  - (c) Chronic failure to secure permits, inspections, or approvals as required by the code; or
  - (d) Use of said license to obtain a permit for another person, firm or corporation.

Sec. 18-55. Violation penalties.

The International Building Code is amended by adding a second paragraph to subsection 113.4 to read as follows:

"Any person, firm or corporation violating any of the provisions of this code shall be subject to a fine, upon conviction in the municipal court, in any sum not to exceed five hundred dollars (\$500.00), and each and every day of continuance thereof shall constitute a distinct and separate offense. The owner or owners of any building or structure failing to comply with any provisions of this code, and the owner or owners of any premises wherein a violation of the provisions of this code occurs, and any architect, engineer, designer, builder, contractor, agent, person, firm or corporation employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense."

Sec. 18-56. Atrium.

The International Building Code is amended by changing the second paragraph of subsection 404.1.1 to read as follows:



ATRIUM. An opening connecting three or more stories other than enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air-conditioning or other equipment, which is enclosed at the top and not defined as a mall. Stories, as used in this definition, do not include balconies within assembly groups or mezzanines that comply with Section 505.

Sec. 18-57. Separation.

The International Building Code is amended by adding item 4. to subsection 406.1.4 as follows:

4. A separation is not required between a Group R-2 and U carport provided that the carport is open on all sides and that the distance between the two is at least ten feet (3048 mm).

Sec. 18-58. Table 602.

The International Building code is amended by changing footnote b in Table 602 to read as follows:

b. Group R-3 and Group U when used as accessory to Group R-3, as applicable in 101.2 shall not be required to have a fire-resistive rating where fire separation distance is three feet or more. Group R-2 and Group U carport, as applicable in 406.1.4 exception 4 shall not be required to have a fire resistance rating where the fire separation is 10 feet or more.

Sec. 18-59. Unity agreements.

The International Building Code is amended by adding subsection 704.15 to read as follows:

704.15. Unity agreements.

(a) The building official may authorize the dissolution of common boundary lines between two (2) or more lots for purposes of this code if a written agreement is executed in accordance with this section on a form provided by the city.

(b) The agreement must:

1. Contain legal descriptions of the properties sharing the common boundary lines;
2. Set forth adequate consideration between the parties;
3. State that all parties agree that the properties sharing the common boundary lines may be collectively treated as one lot for the limited purpose of meeting requirements of this code;
4. State that the dissolution of the common boundary lines described in the agreement is only for the limited purpose of meeting requirements of this code, and that actual lines of property ownership are not affected;
5. State that the agreement constitutes a covenant running with the land with respect to all properties sharing the common boundary lines;
6. State that all parties agree to defend, indemnify and hold harmless the Town of Addison from and against all claims or liabilities arising out of or in connection with the agreement;
7. State that the agreement will be governed by the laws of the State of Texas;
8. State that the agreement may only be amended or terminated in accordance with subsection (d) of this section;
9. Be approved by the building official and be proved as to form by the city attorney; and
10. Be signed by all owners of the properties sharing the common boundary lines;
11. Be signed by all lienholders, other than taxing entities, that have either an interest in the properties sharing the common boundary lines or an improvement on those properties; and
12. Be filed and made a part of the deed records of the county or counties in which the properties are located.

(c) An agreement is not effective until a true and correct copy of the approved agreement is filed in the deed records in accordance with subsection (b) and two (2) file-marked copies of the agreement are filed with the building official.

(d) An agreement may only be amended or terminated by written instrument that is executed in accordance with this subsection on a form provided by the city. The instrument must be:

1. Signed by an owner of property sharing the common boundary lines or by a lienholder, other than a taxing entity, that has either an interest in a property sharing the common boundary lines or an improvement on such a property;
2. Proved by the building official;
3. Approved as to form by the city attorney; and
4. Filed and made a part of the deed records of the county or counties in which the properties are located.

(e) The building official shall approve an instrument amending or terminating an agreement if all properties governed by the agreement fully comply with this code. The amending or terminating instrument is not effective until it is filed in the deed records in accordance with subsection (d) and two (2) file-marked copies are filed with the building official.

Sec. 18-60. Reserved.

Sec. 18-61. Reserved.

Sec. 18-62. The international Building Code is amended by deleting 903.1.1 in its entirety.

Sec. 18-63. Automatic fire-extinguishing systems.

The International Building Code is amended by changing subsection 903.2 to read as follows:

903.2 Sprinklers required. An approved automatic fire

sprinkler system shall be installed as follows:

- (1) In all buildings of any area, size or occupancy built or added to after December 8, 1992. In the case of an addition to an existing structure an approved automatic fire sprinkler system shall be installed in the addition and the existing building unless separated by an approved fire wall. Unless otherwise required in the code, the following exceptions apply:

*Exception 1:* Detached Group U occupancies that do not exceed 500 square feet in area and are located six feet from any other building.

*Exception 2:* Open parking garages of noncombustible construction that have no other types of occupancies located above the garage.

*Exception 3:* Existing, unsprinklered, single family detached dwellings which are added to for the purpose of increasing livable area.

*Exception 4:* Covered walkways or open canopies above fuel dispensing pumps, bus stops or other similar structures intended only for the temporary protection of persons from inclement weather but not including covered patios attached to buildings.

*Exception 5:* Group S-2 occupancies used only for the storage or parking of aircraft. (NOTE: Aircraft hangars are subject to the provisions of NFPA 409.)

- (2) In any existing building of any size, area or occupancy remodeled or reconstructed after the effective date of this ordinance where 50% or greater of either the square footage or the dollar value is involved.
- (3) In the attic of any building required by this section to have a fire sprinkler system, except the attics of single family detached dwellings.
- (4) In the occupancies and location as set forth in this section.

For provisions on special hazards and hazardous materials, see the fire code.

Sec. 18-63.1 NFPA 13 Sprinkler systems.

The International Building Code is amended by changing subsection 903.3.1.1 to read as follows:

903.3.1.1 NFPA sprinkler systems. Where the provisions of this ordinance require that a building or portion thereof be equipped with an automatic fire sprinkler system, sprinklers shall be installed in accordance with NFPA-13, or other standards as appropriate for the occupancy type and, in addition, sprinkler coverage shall include any area, regardless of size or use, that contains an energy source except as provided in Sections 903.3.1.1.1 exceptions (1) & (2).

Sec. 18-63.2 Sprinkler systems monitoring alarms.

The International Building Code is amended by changing subsection 903.4 to read as follows:

903.4 Sprinkler system monitoring alarms. All valves controlling the water supply and all water flow alarm switches on fire sprinkler systems shall be electronically supervised and monitored by an approved fire alarm monitoring agency, regardless of the number of sprinkler heads served. Valve and alarm monitoring on single family residence sprinkler systems shall be at the discretion of the property owner.

Sec. 18-63.3 Where required.

The International Building Code is amended by changing subsection 904.2 to read as follows:

904.2 Where required. Other types of fire extinguishing systems shall not be installed as an alternative or replacement for automatic fire sprinkler systems. Alternative systems may only be installed as a supplement to required fire sprinkler systems.

Sec. 18-63.4 General.

The International Building Code is amended by changing subsection 905.1 to read as follows:

905.1 General. Standpipe systems shall be provided as set forth in this section or as required by the Prevention Chief.

Sec. 18-63.5 Reserved.

Sec. 18-64. Reserved.

Sec. 18-65. Reserved.

Sec. 18-66. Reserved.

Sec. 18-66.1 Reserved.

Sec. 18-67. Corridor Construction.

The International Building Code is amended by adding Exception 5 to subsection 1016.1 to read as follows:

5. Nonrated construction within a single tenant space in the following circumstances:

- (i) Smoke detectors are installed along the path of travel per manufacturer's instructions, but in no case more than sixty (60) feet.
- (ii) The actuation of the smoke detectors provides an alarm audible within the space.
- (iii) The smoke alarms are connected to the building's fire alarm system where such a system is provided.

Sec. 18-68. Reserved.

Sec. 18-69. Reserved.

Sec. 18-69.1 Reserved.

Sec. 18-70. Wood supporting masonry or concrete.

The International Building Code is amended by adding an exception 5 to subsection 2304.12 to read as follows:

5. When designed by an engineer licensed by the State of Texas to provide such services.

Sec. 18-71. Exterior Plaster.

The International Building Code is amended by adding

subsection 2512.10 to read as follows:

2512.10 3/8" One-Coat Stucco System. When this system is used, the following requirements shall be complied with:

1. Plans submitted for permit shall specifically identify the 3/8" one-coat stucco system.
2. Only systems with an International Code Council (ICC) Evaluation Report will be allowed, and before start of installation of the 3/8" one-coat stucco system, the holder of a building permit must submit for approval the International Code Council Evaluation Report on the specific system to be used.
3. The applicator to install the 3/8" one-coat stucco system must be approved by the manufacturer and must submit documentation to that effect before beginning work.
4. The architect or special instructor must supervise and oversee the installation of 3/8" one-coat stucco systems.
5. Upon completion of the project, the architect and applicator must submit all pertinent documentation called for in the ICC report and the manufacturer's recommendations for 3/8" one-coat stucco systems.
6. The final finish on any 3/8" one-coat stucco system shall be an elastomeric coating.

Sec. 18-72. Exterior insulation and finish systems (EIFS).

The International Building Code is amended by adding subsection 1403.8 to read as follows:

1403.8 Exterior insulation and finish systems (EIFS). When these systems are used, the following requirements shall be complied with:

1. Plans submitted for permit shall specifically identify the EIFS assembly.
2. Only systems with an International Code Council (ICC) Evaluation Report will be allowed, and before the start of installation of the EIFS assembly, the holder of a building permit must submit for approval the International Code Council Evaluation Report on the

specific system to be used.

3. The applicator to install the EIFS assembly must be approved by the manufacturer and must submit documentation to that effect before beginning work.
4. The architect or a special inspector must supervise and oversee the installation of EIFS assemblies.
5. Upon completion of the project, the architect and applicator must submit all pertinent documentation called for in the ICC report and the manufacturer's recommendations for EIFS.
6. EIFS from six (6) feet and down on any building and where accessible to pedestrian and vehicular traffic shall be a "high impact" system.
7. EIFS assemblies shall not be used where the protection of openings is required.

Sec. 18-73. Reserved.

Sec. 18-74. Disposal of construction waste.

The International Building Code is amended by adding Section 3313 to read as follows:

Section 3313. Disposal of construction waste.

3313.1. General requirements.

(1) Each holder of permit under this code shall be required to provide a refuse container for disposal of waste and rubbish upon construction sites. The size of such container shall be approved by the building official and shall be sufficiently large to hold the rubbish and waste in such manner that it will not blow out or spill over. The location of such refuse container shall be approved by the building official.

(2) If the proposed improvement for which the permit has been issued is less than five thousand dollar (\$5,000.00), the building official may, in his sole discretion, waive the requirement of a refuse container if he deems it not necessary and other means of disposal have been approved by him.



(3) In this section:

- a. Waste means garbage and other decayable, nondecayable, used up, broken, rejected or worthless materials.
- b. Rubbish means trash, debris, rubble, stone, useless fragments of building materials and other miscellaneous useless wastes or rejected matter.
- c. Public right-of-way means the entire width between property lines of road, streets, ways, thoroughfares, bridges or parks in this city, not privately owned or controlled, if any part of the road, street, way, thoroughfare, bridge or park is opened to the public for vehicular traffic.

(4) Upon determination by the building official that a permit holder has failed to maintain or use an approved refuse container, in violation of the provisions of this ordinance, an order to correct the offending condition will be issued to the permit holder. Such order shall be telephoned to the permit holder and confirmed by mailing a copy of the order by certified mail, return receipt requested. The order shall specifically describe the offending condition and suggest actions necessary to correct the condition. Failure to properly correct the offending condition within three (3) days (excluding Saturdays, Sundays, and legal holidays) after the mailing date of the order shall subject the permit holder to the issuance of a citation.

(5) In addition to the enforcement procedures provided in this ordinance, it shall be within the power and discretion of the building official to suspend or revoke the permit for violation of any provision of this ordinance. Suspension or revocation shall be mandatory for the third offense under this ordinance.

Sec. 18-75. Excavation, construction or demolition at night prohibited.

The International Building Code is amended by adding Section 3314 to read as follows:

Section 3314. Excavation, construction or demolition at night prohibited.

3314.1. General requirements.

(1) Intent and purpose. The city council of the Town of Addison finds and declares that:

- (a) The uncontrolled excavation, erection, construction or demolition at night upon buildings or structures presents an inconvenience or danger to the welfare and safety of those persons residing within or near the buildings or structures worked upon.
- (b) Such nocturnal activity causes inconvenience or danger to those persons residing within or near the buildings or structures worked upon so as to constitute a public nuisance.
- (c) It is a matter of public necessity that the Town of Addison protect those persons residing within or near the buildings or structures worked upon from the danger posed by such nocturnal activity.
- (d) The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the morals and general welfare of persons in the Town of Addison.
- (e) There is an immediate and present danger presented by the above described uncontrolled nocturnal activity, creating an emergency.

(2) Unlawful activity. It shall be unlawful for a person, firm or corporation to excavate, erect, build, construct, alter, repair or demolish any building or structure which has been issued or which is required to be issued a building permit by the Town of Addison between the hours of 7:00 P.M. and 7:00 A.M. Monday through Friday, and between the hours of 7:00 P.M. and 8:00 A.M. on Saturday and Sunday, if such activity is performed within a residential, apartment or townhouse zoned area, or within three hundred (300) feet of an occupied residence, except in cases of urgent necessity or in the interest of public safety and convenience, and then only by permission of the city manager.

(3) Exception. The provisions of this section shall not apply to the city and utility companies when engaged in the installation or repair of utility lines situated within such buildings or structures.

(4) Posting of sign. The owner of the property upon which activity is carried on or the general contractor shall be responsible for the posting of a sign in a clearly visible area at all entrances to construction sites that will state the hours during which construction is allowed.

Sec. 18-76. Storm water runoff.

The International Building Code is amended by adding Section 3315 to read as follows:

Section 3315. Storm water runoff.

3315.1. General requirements.

It shall be unlawful for any person on any construction site to allow excessive storm water runoff to be discharged directly into any public street, alley or private street so as to create a nuisance. Should surface runoff be declared a nuisance by the city, the owner, builder and/or developer of the site may be required to construct dikes or dams on site to form detention areas such that storm water may be temporarily detained until such storm abates at which point the trapped water may be slowly released. It shall be the responsibility of the owner, builder and/or developer at a construction site to remove any dirt or mud deposit on adjacent public streets, alleys or private streets as a result of storm water runoff.

Sec. 18-77. Building security.

The International Building Code is amended by adding Chapter 36 to read as follows:

Chapter 36  
Building Security

Section 3601. Title, purpose and scope.

3601.1. Title. These regulations shall be known as the International Building Security Code.

3601.2. Purpose. The purpose of the provisions of this section is to protect the general health, safety and welfare of the public and the protection of persons and property by providing minimum requirements to safeguard property against burglary

and other unlawful trespasses. These minimum requirements will achieve this purpose by regulating and controlling the design, construction and quality of materials and equipment as they relate to the security of all buildings and structures hereafter constructed, remodeled or repaired within the boundaries of the Town of Addison.

3601.3. Scope. The provisions of this section shall apply to all new construction and, except as otherwise provided herein, to existing buildings and structures in the single family, multifamily and business classes as defined in the city's building code and/or these provisions to which additions, alterations or repairs are made except as specifically provided herein. When additions, alterations or repairs within any twelve-month period exceed fifty (50) percent of the replacement value of any existing building or structure, such building or structure shall be made to conform to the security requirements for new construction. Structures occupied at this time shall be deemed existing nonconformities.

#### 3602. Definitions.

The following definitions are in addition to those set forth in the appropriate chapter(s) or section(s) of the city's building code.

*Activate:* To engage a locking device to make it effective in preventing unauthorized entry through a door, window, or other access point to which the device is attached.

*Access point:* Any opening in the exterior of a building or structure which as a clear cross section of ninety-six (96) square inches or more and which has as its smallest dimension a span in excess of six (6) inches, and which includes, but is not limited to, doors and windows.

*Accessible:* Any access point within eighteen (18) feet of the ground or within eighteen (18) feet of the roof of adjoining building or structure; or within fourteen (14) feet from directly or diagonally opposite windows, fire escapes, ledges or roofs; or within three (3) feet of another access point, fire escape or ledge which projects from the same or an adjacent wall and which leads to another building or structure.

A "roof" is any surface of a building or structure which

provides a horizontal supporting surface of six (6) feet or more in width. "Diagonally opposite" means that the angle measured from the horizontal planes of the access points or surfaces in question is not greater than forty-five (45) degrees.

*Building Official:* The building official of the Town of Addison or his designated representative.

*Business establishment:* An establishment which uses or occupies any building or structure or portion thereof for the purpose of manufacture, storage, warehousing, transfer, sale, display or purchase of goods, wares, merchandise or services.

*Combination dead latch and deadbolt lock:* A device combining a dead latch operable by knobs from inside and outside with a deadbolt lock operable from inside by a thumb turn or key and from outside by a key, both of which can be retracted from inside by turning the knob and from outside by a key.

*Control device:* A key or similar mechanical implement that is normally used by authorized persons to activate or deactivate a locking device.

*Flush bolt:* A deadbolt lock normally used on inactive door(s) that is attached to the top and bottom and/or side of the door and engages in the frame and/or base of the door.

*Cylinder:* The part of a lock set that has an entrance for the key used to activate the locking mechanism.

*Dead-locking latch:* A latch equipped with a locking device which, when in a closed position, causes the latch to resist being retracted by pressure applied to it (also called spring bolt with anti-shim device).

*Dead bolt lock:* A locking device with a bolt that has no automatic spring action and, therefore, must be operated manually by a key cylinder, thumb turn or lever, and is positively held fast when in the projected position.

*Dead bolt lock, double cylinder:* A Dead bolt lock that can be activated only by a key from the inside and the outside.

*Dwelling, multiple-family:* A building, including hotels, condominiums, motels and apartments, or portion thereof, designed for occupancy by more than one family living

independently of other families.

*Dwelling, single-family:* A building, including duplexes, semi-detached dwellings and townhouses, designed exclusively for occupancy by one family.

*Exterior:* That portion of a building or structure that provides access from outside the building or structure. This shall include, but is not limited to, those portions of individual business establishments housed in a common building or structure which are accessible to the public, e.g., as in a shopping center, mall, hotel, motel or apartment complex. This definition also includes doors leading from garage areas into single-family dwellings.

*Hardened steel:* Heat-tempered steel. The steel is heated to a predetermined temperature and then quenched in oil or water for rapid cooling.

*Locking device:* A mechanical implement or combination of mechanical implements attached to a door, window or other access points of a building or structure, and which is designed to prevent unauthorized persons from entering the building or structure through the door, window or other access point on which the locking device is activated.

*Person:* Any individual, firm, partnership, association, corporation, company or organization of any kind.

*Shell structures:* A commercial or retail building with an unfinished interior consisting of a foundation with columns and/or walls supporting a complete roof assembly, which building or parts thereof are not enclosed until said space is leased.

*Throw bolt:* A manually operated Dead bolt lock for an inactive leaf, which is normally placed on the inside portion of a door, e.g., flush bolt.

3603. General requirements.

3603.1. *Responsibility for enforcement/compliance/right of entry/method of enforcement/approvals.*

*Responsibility for enforcement.* The provisions shall be administered and enforced by the building official of the Town of Addison.

*Responsibility for compliance.* The owner of record or his designated agent shall be responsible for compliance with the provisions set forth herein.

*Right of entry.* Whenever necessary, and with the consent of the owner, his agent, the tenant, or person in charge, the building official may make an inspection to enforce any of the provisions set forth herein. Such entry may be made at any reasonable hour. The building official shall present credentials which establish and provide evidence of his identity and authority. If the building official is refused entry, he may take action to gain access in accordance with and as provided by the International Building Code, Section 104.6.

*Method of enforcement, appeals and variances.* Methods for the enforcement, appeal and the grant of variances under these provisions shall be those set forth in the International Building Code, Section 112.

3603.2. *Alternate security provisions.* The provisions of this code are not intended to prevent the use of any other security devices, materials or methods of construction. The burden of proving to the building official that the requirements of these provisions have been met or surpassed shall be on the person responsible for compliance. Such other security devices, materials or methods of construction may only be used upon the approval of the building official.

3603.3. *Testing.* Whenever there is insufficient evidence that any security device, material or any method of construction does not conform to the requirements set forth herein, or in order to substantiate claims for alternate security devices, materials or methods of construction, the building official may require the person responsible for compliance to submit any such alternate to such tests as the building official deems necessary and proper to determine if it is at least equivalent to the prescribed herein in quality, strength, effectiveness, burglary resistance, durability and safety.

3603.4. *Life safety factor.* None of the provisions set forth herein shall supersede any local, state or federal laws, regulations or codes dealing with the life safety factor. Enforcement of these provisions shall be in cooperation with the local fire authority to avoid conflict with fire laws.

3603.5. *Security advisory committee.* There is hereby created an ad hoc security advisory committee. The committee shall assist with the administration of the provisions set forth herein, provide counsel to interested parties as to these provisions, and periodically review these provisions to ensure that they remain responsive to local needs and conditions.

The committee shall be comprised of officials representing the following departments; building/engineering, fire, police and legal department. Members of the committee shall have a knowledge of these provisions and understand the purpose and intent of the city's crime prevention program, if one exists. The committee shall report to the chief administrative officer of the city.

3603.6. *General minimum specifications and standards.* The following minimum specifications shall be applicable to all building classes referenced in these provisions.

- (1) *Hinge pins.* Exterior doors with hinges located on the outside must have the hinge pins secured by using nonremovable pins or a safety stud. An alternative could be to weld the pin securely in place.
- (2) *Lock assembly specifications for exterior single swinging door.* In addition to being equipped with a dead latch with a half-inch minimum throw, each exterior single-swinging door shall be secured by a dead bolt lock with one-inch minimum throw having hardened steel inserts; alternatively, the dead bolt lock will be of a design which otherwise prevents a spreading threat. Firmly secured metal striker plates are required on the door jambs of all doors and are to be located at the point where the required lock engages the jamb. The striker plates shall be attached to the door frame with not less than two (2) number 8 three-inch screws and when attached to metal, at least two (2) number 8 machine screws.

The locking device also shall be so constructed and installed that when a door is closed the device cannot be made inactive through the removal of mounting screws or bolts. Locking devices and parts of locking devices shall not be used if they bear any numbers or letters which would reveal a combination from which a key or similar control device could be fashioned or selected and used to deactivate the locking device. These numbers or letters must be removed.



When a padlock-type locking device is used, it shall not be capable of being deactivated through hammering or other shock techniques. The slide bolt or hasp-and-shackle to which the padlock is attached shall be constructed of hardened steel and shall be installed so that it cannot be removed when the door is closed and the padlock is activated.

- (3) *Exterior window specifications.* Each exterior window shall be so constructed that when the window is locked, it cannot be lifted from the mounting frame. In addition, hinges or pivots on windows opening outward shall be so constructed and installed that they cannot be removed when the window is closed. Each window shall have a secondary locking or securing device consisting of a track lock, inside removable pins or locks.

A minimum distance of four (4) feet or more is required between an exterior window and/or windows and an exterior door.

Alternatives to the four (4) feet requirement include the use of nonbreakable burglar proof glass or polycarbonate material in such windows and/or the use of a double cylinder Dead bolt lock if exterior window(s) are located less than the prescribed distance from an exterior door or if the door itself is partially constructed of glass or plastic material.

- (4) *Installation of exterior doors.* All exterior doors shall be so installed as to maintain a tight fit within its frame.
- (5) *Exterior sliding-type doors at ground level or which are otherwise accessible from the outside.* Each exterior sliding-type door at ground level or which is otherwise accessible from the outside shall be so constructed that the movable section shall slide inside the fixed portion of the door. Alternately, the door must be so protected that when it is locked, the sliding portion cannot be lifted from the track. A secondary locking device consisting of a track lock, inside removable pins, padlocks or a bar must be provided.
- (6) *Lock cylinders.* Lock cylinders on all individual doors shall be so designed or protected so they cannot be gripped by pliers or other wrenching devices and twisted

out.

- (7) *Construction of exterior doors.* All exterior doors, other than sliding glass doors, shall be of a solid core construction. Glass panels are permitted providing the specified locking devices are used. No hollow core doors will be used for an exterior door, including doors from a garage area into a dwelling.

3603.7. *Single-family structures: Additional specifications and standards.* The following specifications and standards shall be applicable to single-family structures and shall be complied with in addition to, or as appropriate in lieu of, the general minimum specifications and standards section of these provisions.

- (1) *Garage doors.* Each metal, wooden or composition garage door, whether overhead, roller-type, swinging or sliding, shall be so equipped that it is capable of being locked. Specific locking devices to be employed shall be of one or more of the following types: Throw bolt or flush bolt, cylinder-type lock, padlock and hasp or an electronic power-operated mechanism with automatic locking capabilities. All such devices shall meet the general minimum specifications and standards of these provisions of such other standards as may be approved by the State of Texas.
- (2) *Lighting.* The street address of each single-family structure shall be illuminated by a light bulb of at least sixty (60) watts, and shall be easily visible from the street. The bulb(s) shall be protected by a weather and vandalism resistant globe or cover.
- (3) *Door viewers.* Door viewers shall be installed on all front entrance doors and shall cover at least one hundred eighty (180) degrees of viewing. Such viewer to be installed with the securing portion on the inside and nonremovable from the outside.
- (4) *Door and window bars.* Bars, grills, grates or similar devices may be installed over doors and windows provided such devices shall be equipped with a release mechanism which is operable from inside the structure without the use of a key or any special knowledge or effort.

3603.8. *Multifamily structures: Additional specifications and*

*standards.* The following specifications and standards shall be applicable to multifamily structures, and shall be complied with in addition to, or as appropriate in lieu of, the general minimum specifications and standards section of these provisions.

- (1) *Exterior single swinging door systems specifications.* Exterior single swinging doors, including doors leading to and from the garage areas into buildings, shall be equipped with self-closing devices, if not already required by other regulations, ordinances or codes.
- (2) *Lock assembly specifications for exterior doors.* Entrance doors to individual units shall not be master keyed to exterior doors, i.e., garage, stairwell, lobby, etc., located elsewhere on the premises of multifamily structures.

Exterior single swinging doors shall be equipped with a combination dead latch and Dead bolt lock.

Pairs of swinging doors shall be secured at the top and bottom of one leaf with vertical throw bolts, and secured at the center with the type of locking device required for single swinging doors in this subsection.

Swinging doors which do not permit a center lock, including, but not limited to, tempered glass doors, shall be secured at the top and bottom with locking devices meeting the requirements of this subsection for single swinging doors.

Entrance Door(s) other than a door at the location of vehicle ingress and egress, to a garage, a lobby or stairwell, shall be equipped with a keyed, self-locking dead latch.

- (3) *Lighting.* The address(es) on the exterior door(s) of all dwelling unit(s) shall be illuminated, at a minimum, by a sixty watt bulb(s). The bulb(s) shall be protected by a weather and vandalism resistant globe or cover. So as to be easily visible at all times, such light(s) shall not be switched except by a timer(s) or a light sensing device(s).
- (4) *Numbering.* There shall be positioned at each dwelling complex, so as to be easily read from the street by

responding emergency units, an illuminated diagrammatic representation of the complex which lists and locates each unit by address.

- (5) *Door viewers.* Door viewers shall be installed on all front entrance doors and shall cover at least one hundred eighty (180) degrees of viewing. Such viewer to be installed with the securing portion on the inside and nonremovable from the outside.
- (6) *Door and window bars.* Bars, grills, grates or similar devices may be installed over doors and windows provided such devices shall be equipped with a release mechanism which is operable from inside the structure without the use of a key or any special knowledge or effort.

3603.9. *B, F, M, S occupancies: Additional specifications and standards.* The following specifications and standards shall be applicable to B, F, M, S occupancies and shall be complied with in addition to, or as appropriate in lieu of, the general minimum specifications and standards section of these provisions.

- (1) *Lock assembly specifications for exterior doors.* Single swinging exterior doors shall be equipped with a double cylinder Dead bolt lock that can be deactivated, from the inside and outside, only with a key or similar control device, or with a single cylinder Dead bolt lock that cannot be deactivated from the inside, and that can be deactivated from the outside only with a key or similar control device.

Pairs of swinging doors shall be secured at the top and bottom of one leaf with vertical throw bolts and secured at the center with the type of locking device required for single swinging doors of this subsection.

Swinging doors which do not permit a center lock, including, but not limited to, tempered glass door, shall be secured at the top and bottom with locking devices meeting the requirements of this subsection for single swinging doors.

Where a door is locked by electric power operation, the circuit controlling the door shall be locked by an electric disconnect switch or by a signal locking device.

Lock cylinders will be so protected that they cannot be gripped by pliers or other wrenching devices.

Exterior doors with hinges located on the outside must have the hinge pins secured by using nonremovable pins or a safety stud. An alternative could be to weld the pin securely in place.

- (2) *Chain and crank operated garage-type doors: Rolling, solid, swinging, sliding or accordion.* All chain and crank operated garage doors, regardless of their method of opening, when not controlled by electric power operation with automatic locking capabilities, shall be specifically secured. Chain-operated doors shall be equipped with a locking device for securing the chain. Crank-operated doors shall be equipped with a locking device for securing the operating shaft.

If such garage door or a hand-operated type is the only entrance to a building or structure, the door shall be secured by a locking device meeting the requirements of this section for single swinging doors.

Where a door is automatically locked by electrical power operations, the circuit controlling the door shall be locked by an electrical disconnect switch or by a signal locking device.

Rolling overhead doors, solid overhead swinging or sliding garage type doors shall be secured with a Dead bolt lock, cylinder lock, or padlock when not controlled or locked by electric power operation.

If a padlock is used to secure a door, the padlock must be constructed of hardened steel with a minimum of five-pin tumbler operation. All numbers or codes that could be used to have a key made must be removed from the padlock.

Any glass panels in a garage type door located within forty (40) inches of a locking device that could allow access to that locking device must be of burglar resistant material or covered with expanded metal screen or with iron bars.

- (3) *Exterior windows.* Louvered windows shall not be used within twelve (12) feet of the ground or adjacent to any

structures or fire escapes.

Outside hinges on all accessible side and rear glass windows shall be provided with nonremovable pins. If the hinge screws are accessible, the screws shall be of the nonremovable type.

- (4) *Metal accordion, grate and grill-type doors.* Metal accordion, grate and grill-type doors shall be equipped with a metal guide track at the top and bottom. Such doors shall be so constructed and installed so they may not be lifted from the track when the door is closed.

Such doors shall be secured with a single or double cylinder Dead bolt lock which may be activated only with a key, which is constructed with hardened steel inserts, and which has a bolt with a minimum one-inch throw. Alternatively, a padlock and hasp or other locking device that resists a spreading threat, e.g., interlocking bolt, may be used.

- (5) *Accessible exterior sliding doors.* Accessible exterior single sliding doors shall be so constructed that the movable section shall slide inside the fixed portion of the door. Such doors shall be so constructed and installed that the movable portion of the door cannot be lifted from its track when the door is closed.

The movable portion of such doors shall be secured by vertical throw bolts at the top and bottom and with a center locking device as required for single swinging doors of this section. The bolt of the locking device shall engage the strike to sufficiently prevent its being disengaged by any possible movement of the door within the clearances provided when the door is closed and the locking device is activated.

Double sliding doors shall be secured by vertical bolts at the top and bottom of each door, and shall meet all other requirements set forth for single sliding doors for business structures.

- (6) *Roof opening.* Hatchways, doors to elevator shafts, roof doors and skylights that can be opened shall be so designed that they can be locked from the inside.

If the hatchway is of wooden material, it shall be

covered on the inside with at least twenty-gauge sheet steel or its equivalent attached with nonremovable screws.

The hatchway shall be secured from the inside with a slide bolt, a slide bar or a cross bar and padlock.

Hinges or pivots on such openings that open outward shall be so constructed and installed that they cannot be removed when the opening is closed.

Where mechanical equipment is roof-mounted, it shall be fixed to the roof so it cannot be readily removed to allow access through a resulting opening. Additionally, such equipment shall be so designed that entry to a building or structure cannot be accomplished through the equipment.

- (7) *Accessible access points not covered by other provisions.* All accessible access points not covered within the provisions of this section or the general minimum specifications and standards section, including, but not limited to, air ducts and/or vent openings exceeding eight (8) inches by fourteen (14) inches, shall be secured as follows: by steel bars of at least one-half inch diameter which are not spaced more than four (4) inches apart, and have dividers of at least one-quarter inch flat steel bars spaced not more than eighteen (18) inches apart, placed on the inside of the opening; or by an iron or steel grill of at least one-eighth inch diameter material of not more than two-inch mesh placed on the inside of the opening.
- (8) *Lighting.* The address(es) and the exterior doors(s) of all buildings and structures shall each be illuminated at a minimum by a sixty-watt bulb(s) so as to be easily visible at all times. The bulb(s) shall be protected by a weather and vandalism resistant globe or cover. Such light(s) shall not be switched except by a timer(s) or a light sensing device(s).
- (9) *Addresses.*
  - a. Numbers revealing the location of a business shall be required at the front and rear of the building.
  - b. These address numbers shall be illuminated by at least a twenty-watt bulb or be reflective.

(10) *Safes.*

- a. If the net weight of a safe is less than one thousand (1,000) pounds or if it rests upon wheels or dollies, it shall be firmly secured to the floor or have the wheels or dollies removed.
- b. It is recommended that where possible, the safe should be placed where visible from the street and be illuminated with light.

3603.10. *Shell structures.* Any shell structure which has a space leased and occupied, and the adjoining spaces are vacant, these vacant spaces shall be lighted during hours of darkness and shall be kept free of debris at all times.

Sec. 18-78. Airport noise.

The International Building Code is amended by adding Chapter 37 to read as follows:

Chapter 37  
Airport Noise

SECTION 3701. Title, purpose and scope.

3701.1. *Title.* These regulations shall be known as the Airport Noise Code.

3701.2. *Purpose.* The purpose of this chapter is to safeguard health, property, and public welfare by regulating the construction of homes in certain areas of the city.

3701.3. *Scope.* This chapter pertains to the construction of Group R Occupancies which are located in those areas of the city which are within land use guidance zones C or D in the study of noise exposure contours conducted by Addison Municipal Airport. The noise exposure contours map which was a part of the study is to be considered a part of this chapter and is attached [hereto by reference].

3702. General requirements.

3702.1. *Application to existing buildings and structures.* Buildings in existence at the time of the adoption of this chapter which housed Group R Occupancies may have their use and occupancy continued without being required to comply with this chapter. Such buildings may also be altered or repaired without being required to comply with this chapter. Additions



to such buildings, however, must comply with this chapter.

3702.2. *Construction requirements.*

- (a) *General.* Buildings constructed in areas specified in subsection 3701.3 must comply with the requirements of this section.
- (b) *Exterior walls.* Exterior walls must be constructed as follows:
- (1) The exterior walls of the structure must be brick veneer, stucco veneer or wood siding.
  - (2) Regardless of the type of exterior material used, sheathing must be used which is no less than one-half inch thick and is either gypsum, composition or foamed plastic material. The sheathing must be applied in the following manner:
    - Adjoining edges must be fitted tightly together.
    - Where adjacent edges occur over framing members the edges must be nailed.
    - Where adjacent edges do not occur over framing members the joint must be sealed with duct tape or in similar fashion, and
    - Edges of sheathing at the top and bottom of the wall must be nailed to the plates.
  - (3) The wall must be insulated to its full thickness.
  - (4) Gypsum wallboard no less than one-half inch thick must be installed on the inside surface of all walls. Any paneling or other finish material must be installed over the wallboard.
  - (5) Caulking is required under the bottom plate.
- (c) *Roofs/ceilings.* Roofs, ceiling, and roof/ceiling assemblies must be constructed as follows:
- (1) All roofs must be provided with wooden decking no less than one-half inch in thickness.
  - (2) All attic spaces and all spaces between the ceiling and the roof deck must have insulation not less

- than six (6) inches thick.
- (3) Gypsum wallboard no less than one-half inch in thickness must be provided on the underside of all ceiling joints. Any other finish material must be applied over the wallboard.
- (d) *Penetrations.* Penetrations of all exterior walls, of the ceilings or of the top plate of any wall must be sealed with a nonhardening caulk.
- (e) *Ventilation.* Vent fans, air conditioning ducts, and fireplaces must be constructed as follows:
- (1) Vent fans in bathrooms, laundry rooms, and similar areas must be fitted with a sheet metal duct in the attic no less than five (5) feet long. The duct must be lined on the inside with fiberglass and must have one (1) ninety degree bend.
  - (2) All air conditioning and heating ducts must be lined on the inside with fiberglass not less than one inch thick.
  - (3) All fireplaces must have tight fitting dampers.
- (f) *Windows and glass patio doors.* Windows and glass patio doors must be constructed as follows:
- (1) All windows must be double glazed, although custom decorative windows may have single glazing where the building official determines their individual sizes and the total square footage of all such windows is not excessive.
  - (2) Openable portions of windows and patio doors must close on a soft gasket.
  - (3) All window and patio door frames must be caulked with a nonhardening sealant.
  - (4) All framing openings around windows and patio doors must be filled with insulation or caulked.
- (g) *Exterior doors.* Exterior doors must be constructed as follows:

- (1) All exterior doors should be no less than one and three-quarter (1¾) inches thick and be either solid core wood doors or insulated hollow core doors.
- (2) The door must be weather stripped with a soft gasket around its edges.
- (3) A threshold seal must be provided.
- (4) All framing openings around doors must be filled with insulation or caulked.

SECTION 3. All other ordinances and parts of ordinances in conflict with this ordinance shall be, and the same is hereby repealed, but the repeal of such ordinances or parts of ordinances shall not affect any right, property or claim which was or is vested in the Town of Addison, Texas, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this ordinance shall take effect; nor shall said repeals, amendments or changes effect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this ordinance shall take effect under any of the ordinances or sections thereof so repealed.

SECTION 4. In the event that any section, paragraph, subdivision, clause, phrase, or provision of this ordinance or the International Building Code, 2003 Edition, or the International Energy Conservation Code, 2003 Edition or revisions thereof, adopted herein shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance or the International Building Code, 2003 Edition, or the International Energy Conservation Code, 2003 Edition or revisions thereof as a whole or any part of provision other than the part so decided to be invalid or unconstitutional.

SECTION 5. Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount not to exceed five hundred dollars (\$500.00) and each and every day that the prohibited condition remains shall constitute a separate offense.

SECTION 6. That this ordinance shall become effective from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS,  
this the 28<sup>th</sup> day of February, 2006.

  
MAYOR

ATTEST:

  
CITY SECRETARY