

**BUILDING CODES AND BOARD OF ADJUSTMENTS AND APPEALS**

**CHAPTER 20**

**Article I      Adoption of Codes**

The following codes, as published by the International Code Council, Inc. and the National Fire Protection Association, Inc., are hereby adopted as the ***Building Codes*** of the City of Big Spring by reference as though they were copied herein fully including all appendices, except where expressly excluded herein:

**Sec. 20-1.      International Building Code.**

2012 Edition in its entirety, save and except Chapters 13, 27, and 34 and save and except Appendices A, B, D, E, H, and K and save and except Sections 101.4.5, 105.1.1, 105.1.2 Building subparts 1, 2, 4, 6, 8 and Mechanical subpart 7, and Sections 113 and 114 which shall be deleted in their entirety and with the following amendments:

**(A)      101.1 Title.**

These regulations shall be known as the Building Code of the City of Big Spring, hereinafter referred to as “this code”.

**(B)      109.2 Schedule of permit fees.**

On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

Up to \$3,000.00	\$ 25.00
\$3,001.00 to \$49,999.00 (\$5.00 dollars per thousand)	\$ 5.00
\$50,000.00	\$ 260.00
\$50,001.00 to \$99,999.00 (\$4.00 per thousand)	\$ 4.00
\$100,000.00	\$ 460.00
\$100,001.00 to \$499,999.00 (\$3.00 per thousand)	\$ 3.00
\$500,000.00	\$ 1660.00
\$500,001.00 and above (\$2.00 per thousand)	\$ 2.00
Moving Fee	\$ 100.00
Demolition – One Story	\$ 50.00
Demolition – Additional Story	\$ 25.00

## **BIG SPRING CITY CODE**

Curb Cuts Commercial	\$ 25.00
ZBA Charge	\$ 50.00
Commercial Plan Review	\$ 50.00
Re-Inspect Fee	\$ 25.00

**(C) 1612.3 Establishment of flood hazard areas.**

To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management agency in an engineering report entitled “The Flood Study for the City of Big Spring”, dated 8<sup>th</sup> day of September, 1981, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Flood Insurance Rate Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be a part of this section.

**(D) 3412.2 Applicability.**

Structures existing prior to 1986, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.1 through 3412.2.1 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S, and U. These provisions shall not apply to buildings with occupancies in Group H or I.

**Sec. 20-1A. Pass Through of Fees for Contracted Services.**

Notwithstanding any fees listed in this Chapter or elsewhere in the Big Spring Code of Ordinances for building inspections, plan review or any other similar services; whenever the City’s contracted plan review and inspection service performs any required services, then the customer utilizing such service shall be charged the same fee charged to the City by the contracted service. (Ord. of 1-28-14)

**Sec. 20-2. International Residential Building Code.**

2012 Edition in its entirety, save and except Chapter 34 thru 43, Sections R105.2 Buildings subparts 1, 2, 3, 5 and 9, Mechanical Subpart 7, Appendices A, B, C, D, F, J, L, N, Q and Sections R112, R113 which shall be deleted in their entirety and with the following amendments:

**(A) R101.1 Title.**

These provisions shall be known as the International Residential Code of the City of Big Spring and shall be cited as such and will be referred to herein as “this code.”

## **BUILDING CODES AND BOARD OF ADJUSTMENTS AND APPEALS**

### **(B) R108.2 Schedule of Permit Fees.**

On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the established by the applicable governing authority.

Up to \$3,000.00	\$ 25.00
\$3,001.00 to \$49,000.00 (\$5.00 per thousand)	\$ 5.00
\$50,000.00	\$ 260.00
\$50,001.00 to \$99,000.00 (\$4.00 per thousand)	\$ 4.00
\$100,000.00	\$ 460.00
\$100,001.00 to \$499,999.00 (\$3.00 per thousand)	\$ 3.00
\$500,000.00	\$ 1,660.00
\$500,001.00 and above (\$2.00 per thousand)	\$ 2.00
Moving Fee	\$ 100.00
Demolition – One Story	\$ 50.00
Demolition – Additional Story (\$25.00 per story)	\$ 25.00
Curb Cuts Residential	\$ 25.00
ZBA Charge	\$ 50.00
Residential Plan Review (Min. \$140.00 up to 1600 square feet - .12 cents per square foot)	\$ 140.00
Re-Inspect Fee	\$ 25.00

### **(C) R301.2 Climatic and Geographic Design Criteria.**

Buildings shall be constructed in accordance with the provisions of this code as limited by the provisions of this section. Additional criteria shall be established by the local jurisdiction and set forth in Table R301.2(1).

### **(D) Table R301.2.1 Wind Design Criteria.**

Buildings and portions thereof shall be constructed in accordance with the wind provisions of this code using the basic wind speed in Table R301.2(1) as determined from Figure R301.2(4)A. Basic wind speeds shall be determined from figure

## **BIG SPRING CITY CODE**

R301.2(4)B or where the basic wind speed from Figure R301.2(4)A equals or exceeds 110 miles per hour (49 m/s).

**(E) P2603.5.1 Sewer Depth.**

Building sewer that connect to private sewage disposal systems shall be not less than twelve (12) inches (305mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of (12) inches (305mm) below grade.

**(F) P3103.1 Roof Extensions.**

Open vent pipes that extend through a roof shall be terminated at least (6) inches (152mm) above the roof or (6) inches (152mm) above the anticipated snow accumulation, whichever is greater, except that where a roof is to be used for any purpose other than weather protection, the vent extension shall be run at least seven (7) feet (2134mm) above the roof.

**Sec. 20-3. International Existing Building Code.**

2012 Edition in its entirety save and except Sections 112, 113 and 114 which shall be deleted in their entirety and save and with the following amendments:

**(A) 101.1 Title.**

These provisions shall be known as the International Existing Building Code of the City of Big Spring and shall be cited as such and will be referred to herein as “this code.”

**(B) 1401.2 Applicability.**

Structures existing prior to 1986, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 12. The provisions of Sections 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

**Sec. 20-4. National Electrical Code.**

2011 Edition in its entirety including Annex H entitled “Administration and Enforcement”, save and except for Section 80.15, 80.19F(3), 80.23, and 80.27 which shall be deleted in their entirety and with the following amendments:

**(A) 80.19(E) Fee Schedule.**

On all electrical systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the established governing authority.

Minimum Permit Fee	\$ 25.00
Meter Loop	\$ 25.00

## BUILDING CODES AND BOARD OF ADJUSTMENTS AND APPEALS

Temporary Meter Loop	\$ 25.00
Temporary Power Pole	\$ 25.00
Temporary Service on Structure	\$ 25.00
New Service (per meter)	\$ 25.00
Meter Loop (move, change, alter)	\$ 25.00
Electrical Safety (commercial name change)	\$ 25.00
Rewire	
Per Sq. Ft. (Residential)	\$ 0.02
Per Sq. Ft. (Commercial)	\$ 0.04
Condenser Unit Disconnect	\$ 5.00
Electrical Sign Hookup	\$ 5.00
Ranges & Heaters (each)	\$ 1.00
Washers & Dryers (each)	\$ 1.00
Pumps	\$ 2.00
Dispenser	\$ 2.00
1 <sup>st</sup> Motor 01 to 5 HP or less	\$ 2.00
Additional Motors 01 HP or less	\$ 2.50
Motors 01 to 5 HP	\$ 5.00
Motors above 5 HP	\$ 2.50
Re-Inspect Fee	\$ 25.00
Commercial Plan Review	\$ 50.00

**(B) 4-a Permit – Required; Exceptions to Licensing Requirement.**

Any homeowner personally installing electrical conductors or equipment within his own home; provided, that the owner shall file with the Electrical Inspector approved plans and specifications, shall satisfy the Electrical Inspector as to his ability to install

## **BIG SPRING CITY CODE**

electrical wiring, shall apply for and secure a permit, shall pay the required fees, shall do work in accordance with this chapter and shall request the required inspections and obtain a certificate of approval. Homeowner shall sign an Electrical Liability Waiver before obtaining a permit. Personal installation by an owner under this subsection shall be by himself, on his homestead premises.

**(C) 4-b Sign Manufacturer's License.**

The first annual fee for an electrical sign manufacturer's license shall be One Hundred Dollars (\$100.00) for the first year, payable in full and in advance, and the annual renewal fee for such a license shall be Fifty Dollars (\$50.00), payable in full on the expiration date of the annual period for which license fee was paid theretofore; and shall in no way constitute ability to do electrical installations of their signs.

**(D) 4-c Electric Fences Prohibited.**

Electric fences, whether of the battery or the transformer type, shall not be installed or used in the city.

**Sec. 20-5. International Energy Conservation Code.**

2012 Edition in its entirety and with the following amendments:

**(A) 101.1 Title.**

These regulations shall be known as the International Energy Conservation Code of the City of Big Spring herein after referred to as "this code."

**(B) 107.2 Conflicting Requirements.**

Where the provisions of this code and the referenced standards conflict, except those of the ICC, the provisions of this code shall take precedence.

**Sec. 20-6. International Fuel Gas Code.**

2012 Edition in its entirety, save and except Sections 108.1, 108.2, 108.3 108.4 and 109 which shall be deleted in their entirety and with the following amendments:

**(A) 101.1 Title.**

These regulations shall be known as the Fuel Gas Code of the City of Big Spring, hereinafter referred to as "this code."

**(B) 106.5.2 Fee Schedule.**

The fees for work shall be as indicated in the following schedule:

Minimum Permit Fee	\$ 25.00
Re-Inspection Fee	\$ 25.00
Gas Service Line	\$ 7.00

**BUILDING CODES AND BOARD OF ADJUSTMENTS AND APPEALS**

Each Gas Opening \$ 2.00

**(C) 106.6.3. Fee refunds.**

The Building Official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than fifty percent (50%) of the plan review fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than fifty percent (50%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permit fee not later than 180 days after the date of fee payment.

**Sec. 20-7. International Mechanical Code.**

2012 Edition in its entirety save and except Appendix B, and save and except Sections 106.2(7), 108.1, 108.2, 108.3, 108.4, 108.5 and 109 which shall be deleted in their entirety and with the following amendments:

**(A) 101.1 Title.**

These provisions shall be known as the International Mechanical Code of the City of Big Spring and shall be cited as such and will be referred to herein as “this code.”

**(B) 106.5 Fees**

The fees for mechanical work shall be as indicated in the following schedule:

Mechanical Permit	\$ 25.00
0-5 Tons HVAC Cooling	\$ 10.00
150,000 BTU Gas or 25 kw Electric Heat	\$ 10.00
Package Unit or Roof Top Unit (RTU) (with or without heat-includes duct openings)	\$ 20.00
5 ½ - 15 Tons HVAC Cooling	\$ 25.00
150,001 to 250,000 BTU Gas or 26-50 kw Electric Heat	\$ 25.00

## **BIG SPRING CITY CODE**

Package Unit or Roof Top Unit (RTU) (with or without heat-includes duct openings)	\$ 45.00
15.1 + Tons Cooling	\$ 4.00 per ton
251,000 + BTU Gas or 51 + kw Electric Heat	\$ 50.00
Package Unit or Roof Top Unit (RTU) (with or without heat)	\$ 4.00 per ton
Commercial Vent-a-Hood	\$ 25.00
Re-Inspect Fee	\$ 25.00
Commercial Plan Review	\$ 50.00

**(C) 106.5.3 Fee Refunds.**

The Building Official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than fifty percent (50%) of the plan review fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than fifty percent (50%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permit fee not later than 180 days after the date of fee payment.

**Sec. 20-8. International Plumbing Code.**

2012 Edition in its entirety save and except Appendices A and save and except Sections 108.1, 108.2, 108.3, 108.4 and 109 which shall be deleted in their entirety and with the following amendments and additions:

**(A) 101.1 Title.**

These provisions shall be known as the International Plumbing Code of the City of Big Spring and shall be cited as such and will be referred to herein as “this code.”

**(B) 106.6.2 Fee Schedule.**

The fees for all plumbing work shall be as indicated in the following schedule:

## BUILDING CODES AND BOARD OF ADJUSTMENTS AND APPEALS

Basic Fee	\$ 25.00
Each fixture or set of fixtures of 01 trap including water and drain piping	\$ 2.00
Install/replace/repair Sewer Line	\$ 7.00
Water Heater	\$ 5.00
Lawn Sprinkler System 1 <sup>st</sup> Five (5) Heads	\$ 2.00
Additional heads over Five (5)	\$ 0.25 ea.
Install/replace/repair Water Line	\$ 7.00
Re-Inspection (Red Tag)	\$ 25.00
Additional Water Heater	\$ 5.00
Fire suppression (sprinkler)	\$ 0.01 sq ft of sprinklered area

**(C) 106.6.3 Fee Refunds.**

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than fifty percent (50%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than fifty percent (50%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

**(D) 305.4.1 Sewer Depth.**

Building sewers that connect to private sewage disposal systems shall be a minimum of twelve (12) inches (305 mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of twelve (12) inches (305 mm) below grade.

## **BIG SPRING CITY CODE**

**(E) 904.1 Required Vent Extension.**

All open vent pipes that extend through a roof shall be terminated at least six (6) inches (15mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven (7) feet (2134mm) above the roof.

**Sec. 20-9. Penalty.**

Any person who shall violate a provision of this chapter or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the building official, or of a permit or certificate used under provision of this code, shall be guilty of a misdemeanor punishable by a fine of not to exceed Five-Hundred Dollars (\$500.00); however, a violation of this chapter governing fire safety, zoning or public health and sanitation, shall not exceed Two-Thousand Dollars (\$2,000.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. of 4-26-11; Ord. of 3-12-13)

**Sec. 20-10 through 15 Reserved for Expansion.**

(Ord. of 7-13-99, 11-10-98, & 2-27-01, Ord. of 2-26-08, Ord. of 7-6-10)

**Sec. 20-15. Grease Traps.**

**(A) Applicability and Prohibitions**

- 1) This ordinance shall apply to all non-domestic users of Publicly Owned Treatment Works (POTW), as defined in Subsection B of this Section.
- 2) Grease traps or grease interceptors shall not be required for residential users.
- 3) Facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service shall install, use, and maintain appropriate grease traps or interceptors as required in Section II of this Chapter. These facilities include but are not limited to restaurants, food manufactures, food processors, hospitals, hotel and motels, prisons, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.
- 4) No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, nonbiodegradable, cutting oil, mineral oil, or any fats, oils, or greases of animal vegetable origin into the POTW system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

**(B) Definitions**

- 1) **Act** means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. Seq.

## BUILDING CODES AND BOARD OF ADJUSTMENTS AND APPEALS

- 2) **BOD** means the value of the 5-day test for Biochemical Oxygen Demand, as described in the latest edition of “Standard Methods for the Examination of Water & Wastewater.”
- 3) **COD** means the value of the test for Chemical Oxygen Demand, as described in the latest edition of “Standard Methods of the Examination of Water & Wastewater.”
- 4) **EPA** means the United States Environmental Protection Agency.
- 5) **Fats, oils, and greases (FOG)** means organic polar compounds derived from animal and or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “grease” or “greases.”
- 6) **Generator** means any person who owns or operates a grease trap/grease interceptor, or whose act process produces a grease trap waste.
- 7) **Grease trap or interceptor** means a device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the wastewater entering the sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection system. Grease traps and interceptors are also referred to herein as “grease traps/interceptors.”
- 8) **Grease trap waste** means material collected in and front from a grease trap/interceptor in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from de-watering processes.
- 9) **Indirect discharge or discharge** means the introduction of pollutants into a POTW from any non-domestic source.
- 10) **Interference** means a discharge which alone or in a conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of violation of the City’s TPDES permit.
- 11) **pH** means the measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion conception.

## **BIG SPRING CITY CODE**

- 12) **POTW or Publicly Owned Treatment Works** means a treatment works which is owned by a state or municipality as defined by Section 502(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and other conveyances that convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For purpose of this ordinance, the terms “sanitary sewer system” and “POTW” may be used interchangeably.
- 13) **TCEQ** means the Texas Commission on Environmental Quality, and its predecessor and successor agencies.
- 14) **Transporter** means a person who is registered with and authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste in accordance with 30 TEXAS ADMINISTRATIVE CODE §312.142.
- 15) **User** means any person, including those located outside the jurisdictional limits of the city, who contributes, causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources.

### **(C) Installation and Maintenance Requirements.**

#### **1. Installations**

- a) **New Facilities.** Food processing or food service which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grease trap/interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease traps/interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.
- b) **Existing Facilities.** Existing facilities not equipped with a grease trap/interceptor or not a properly designed grease trap/interceptor must come into compliance within a reasonable amount of time approved by the Building Official, and must be operated and maintained in accordance with the manufacturer’s recommendations and in accordance with these Model standards, unless specified in writing and approved by the POTW.

## **BUILDING CODES AND BOARD OF ADJUSTMENTS AND APPEALS**

- c) All grease trap/interceptors shall be properly disposed of at a facility in accordance with federal, state, or local regulation.

### **2. Cleaning and Maintenance**

- a) Grease traps and grease interceptors shall be maintained in an efficient operating condition at all times.
- b) Each grease trap pumped shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so that the trap is fully evacuated within a 24 hour period, in accordance with Title 30, TEXAS ADMINISTRATIVE CODE §312.143.

### **3. Self-Cleaning**

- a) Grease trap self-cleaning operators must receive approval from the POTW annually prior to removing grease from their own grease trap(s) located inside a building, provided:
  - 1) the grease trap is no more than fifty (50) gallons in liquid/operating capacity;
  - 2) proper-site material disposal methods are implemented (e.g. absorb liquids into solid form and dispose into trash);
  - 3) the local solid waste authority allows such practices;
  - 4) grease trap waste is placed in a leak proof; sealable container(s) located on the premises and in an area for the transporter to pump-out; and
  - 5) detailed records on these activities are maintained.
- b) Grease trap self-cleaning operators must submit a complete self-cleaning request to the POTW for approval. The written request shall include the following information:
  - 1) Business name and street address;
  - 2) Grease trap/inceptor operator name title, and phone number;
  - 3) Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease trap/interceptor; and

## **BIG SPRING CITY CODE**

- 4) Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.
- c) Self-cleaners must adhere to all the requirements; procedures and detailed record keeping outlined in their approved application, to ensure compliance with this ordinance. A maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:
  - 1) Date the grease trap/interceptor was serviced;
  - 2) Name of the person or company servicing the grease trap/interceptor;
  - 3) Waste disposal method used;
  - 4) Gallons of grease removed and disposed of;
  - 5) Waste oil added to grease trap/interceptor waste; and
  - 6) Signature of the operator after each cleaning that certifies that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.
- d) Violations incurred by grease trap self-cleaning will be subject to enforcement action including fines and/or removal from self-cleaner program.

### **4) Cleaning Schedules**

- a) Grease traps and grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap/interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.
- b) Grease traps and grease interceptors subject to these standards shall be completely evacuated a minimum of every ninety (90) days, or more frequently when:
  - 1) twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases; or

## **BUILDING CODES AND BOARD OF ADJUSTMENTS AND APPEALS**

- 2) the discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels establishes by the POTW; or
  - 3) if there is a history of non-compliance.
- c) Any person who owns or operates a grease trap/interceptor has demonstrated the specific trap/interceptor may submit to the POTW a request in writing for an exception to the ninety (90) day pumping frequency of their grease trap/interceptor. The POTW may grant an extension for required cleaning frequency on a case-by-case basis when:
- 1) the grease trap/interceptor owner/operator has demonstrated the specific trap/interceptor will produce an effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POTW, or
  - 2) less than twenty-five (25) percent of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.
  - 3) In any event, a grease trap and grease interceptor shall be fully evacuated, cleaned and inspected at least once every 180 days.

### **(D) Manifest Requirements**

- 1) Each pump-out of a grease trap or interceptor must be accompanied by a manifest to be used for records keeping purposes.
- 2) Persons who generate, collect and transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:
  - a) name, address, telephone, and commission registration number of transporter;
  - b) name, signature, address, and phone number of the person who generated the waste and the date collected;
  - c) type and amount(s) of waste collected or transported;
  - d) name and signature(s) of responsible person(s) collecting, transporting, and depositing waste;

## **BIG SPRING CITY CODE**

- e) date and place where the waste was deposited;
  - f) identification (permit or site registration number, location, and operator) of facility where the waste was deposited;
  - g) name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste and the amount of waste received;
  - h) the volume of the grease waste received; and
  - i) a consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.
- 3) Manifests shall be divided into five parts and records shall be maintained as follows:
- a) One part of the manifest shall have the generator and transporter information completed and is given to the generator at the time of waste pickup.
  - b) The remaining four parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest.
  - c) One part of the manifest shall go to the receiving facility.
  - d) One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.
  - e) One copy of the manifest shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.
  - f) One part of the manifest shall go to the local authority.
- 4) Copies of manifest returned to the waste generator shall be retained for five years and be readily available for review by the POTW.

### **(E) Alternative Treatment**

- 1) A person commits an offense if the person introduces, or causes, permits, or suffers the introduction of any surfactant, solvent or emulsifier into a grease trap. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass from the trap into the collection

## **BUILDING CODES AND BOARD OF ADJUSTMENTS AND APPEALS**

system, and include but not limited to enzymes, soap, diesel, kerosene, terpene, and other solvents.

- 2) It is an affirmative defense to an enforcement of Section III.(f)(1) that the use of surfactants or soaps is incidental to normal kitchen hygiene operations.
- 3) Bioremediation media may be used with the POTW's approval if the person has proved to the satisfaction of the POTW that laboratory testing which is appropriate for the type of grease trap to be used has verified that:
  - a) The media is a pure live bacterial product which is not inactivated by the use of domestic or commercial disinfectants and detergents, strong alkalis, acids, and/or water temperatures of 160°F(71°C).
  - b) The use of the media does not reduce the buoyancy of the grease layer in the grease trap and does not increase the potential for oil and grease to be discharged to the sanitary sewer.
  - c) The use of the bioremediation does not cause foaming in the sanitary sewer.
  - d) The BOD, COD and TSS discharge to the sanitary sewer after use of the media does not exceed the BOD, COD and TSS which would be discharged if the product were not being used and the grease trap was being properly maintained. pH levels must be between 5 and 11.
- 4) All testing designed to satisfy the criteria set in Section III(f)(3) shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which have been approved by the Environmental Protection Agency and the Texas Commission on Environmental Quality and which are defined in Title 40. Code of Federal Regulations, Part 136 or Title 30, TEXAS ADMINISTRATIVE CODE §319.11. Testing shall be open to inspection by the POTW, and shall meet POTW's approval.

### **(F) Schedule of Penalties**

- 1) If the POTW determines that a generator is responsible for a blockage of a collection system line the generator shall owe a civil penalty of \$1,000 for the first violation, \$1,500 for a second violation, and \$2,000 for the third violation within a two-year period. Continuous violations shall

## **BIG SPRING CITY CODE**

result in an increase in penalty by \$500 and may also result in termination of services.

- 2) Any person violating any of the provisions of this Section shall be subject to a written warning for the first violation, a \$1,000 civil penalty for the second violation, a \$1,500 civil penalty for the third violation, and a \$2,000 civil penalty for the fourth violation within a two-year period. Consistent violations will result in a \$500 increase in civil penalty and may result in termination of service.

(Ord. of 7-6-10)

### **Article II**      **Board of Adjustments and Appeals**

#### **Sec. 20-16. Appointments.**

There is hereby established a Board called the Board of Adjustments and Appeals, which shall consist of seven (7), one alternate member and three(3) ex-officio members, appointed by a majority vote of the City Council. The Board of Adjustments and Appeals shall also include the duties of the Plumbing, Gas, Electrical, Fire and Mechanical Board of Adjustments and Appeals.

(Ord. of 2-25-13)

#### **Sec. 20-17. Membership and Terms.**

Members. The Board of Adjustments and Appeals shall consist of seven (7) members, one alternate member and three (3) ex-officio members.

Membership shall be composed of:

- One (1) Engineer or Architect
- One (1) Master Plumber
- One (1) Mechanical Contractor
- One (1) Master Electrician
- Three (3) Members at large from the construction industry
- One (1) Alternate member with experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems
- Three (3) Ex-officio members:
  - One (1) Representative of Atmos Energy
  - One (1) Representative of TXU Electric
  - One (1) City of Big Spring Fire Official as designated by the Fire Chief

Members must be qualified voters of the City unless other requirements cannot be met. Wherever appeals of orders, decisions, or determinations made by the fire code official are before the Board of Adjustments and Appeals, the alternate member with experience and training to pass on fire related matters shall sit in place of one other member of the Board. If any member is unable to attend the meeting the alternate member shall replace that member; however, if all members are

## **BUILDING CODES AND BOARD OF ADJUSTMENTS AND APPEALS**

available to attend the meeting the alternate member shall replace the most recently appointed at large member. (Ord. of 2-25-13)

### **Sec. 20-18. Terms of Office.**

The terms of office for each member of the Board shall be three (3) years. The terms expire on September 30. Members can be removed at the discretion of the City Council by a majority vote of the City Council.

### **Sec. 20-19. Quorum.**

Four (4) members of the Board shall constitute quorum. Any action may be taken upon vote of the majority of members present, but not less than four (4) affirmative votes be required. A Board member shall not act in any case in which they have a personal interest.

## **Article III. Violations.**

### **Sec. 20-20. General.**

It shall be unlawful for any person, firm or corporation to be, or cause to be, in conflict with or in violation of any of the provisions of this chapter.

### **Sec. 20-21. Unlawful acts.**

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this chapter, or cause or allow the same to be done, in conflict with or in violation of any of the provisions of this chapter.

### **Sec. 20-22. Notice of violation.**

The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this chapter, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this chapter. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

### **Sec. 20-23. Prosecution of violation.**

If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this chapter or of the order or direction made pursuant thereto.

## **BIG SPRING CITY CODE**

### **Sec. 20-24. Stop Work Order.**

#### **a. Notice to owner.**

Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this chapter or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.

#### **b. Unlawful continuance.**

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

### **Sec. 20-25. Penalty.**

Violation of any provision of this chapter or the adopted codes or violation of the approved directive of the Building Official or of a permit or certificate issued under the provisions of this chapter of the adopted codes shall be guilty of a misdemeanor, punishable by a fine of not less than Fifty (\$50.00) or more than Two-Thousand (\$2,000.00) dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. of 2-26-08)